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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3123/2025**

**MAHADEV SAHANI**

.....Petitioner

Through: Counsel for Petitioner (appearance  
not given).

versus

**STATE NCT OF DELHI**

.....Respondent

Through: Mr. Utkarsh, APP for the State with  
ASI Ash Kumar, PS Raj Park, Delhi.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **23.09.2025**

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (Section 439 of the Code of Criminal Procedure, 1973) (*hereinafter referred to as 'Cr.PC'*) read with Section 528 of the B.N.S.S. (*under Section 482 Cr.P.C.*), has been filed on behalf of the Petitioner, Mahadev Sahani for grant of Regular Bail in FIR No. 450/2025 under Section 20B of the NDPS Act, registered at Police Station Raj Park.

2. It is submitted that the First Bail Application has been dismissed by the learned ASJ (Spl Court NDPS), Delhi on 08.08.2025. As per the allegations made in the FIR, the raiding team had stopped the Scooty, which being driven by the CCL 'R' while the Applicant was a pillion rider. On search from the dicky of the Scooty, 4.976 KG of Ganja, which is the intermediate quantity, was recovered. It is submitted that there was non-



compliance of Section 50 of the NDPS Act while conducting the search and making the recovery.

3. The Bail is sought on the ground that the Applicant is 70 years old and has been falsely implicated in this case. The quantity allegedly recovered jointly from the dicky of the Scooty, on which the main Accused and the Applicant were travelling, is an intermediate quantity and the bar of Section 37 NDPS Act, is not applicable.

4. Learned counsel for the Petitioner has placed reliance on Kailash vs. State of NCT Delhi, Bail Appl. No. 2514/2014; Anjali vs. State of NCT Delhi, Bail Appl. No. 2442/2023; Anil Tamang vs. State of NCT Delhi, Bail Appl. No. 3416/2023; Sunil vs. State of NCT Delhi, Bail Appl. No. 495/2022; Anita vs. State of NCT Delhi, Bail Appl. No. 1538/2022; Rabi Prakash vs. State of Odisha, Bail Appl. No. 11613/2023; Sanjay Chandra vs. Central Bureau of Investigation, Crl. Appeal Nos. 2178 to 2182 of 2011 (arising out of SLP (Crl.) Nos. 5650, 5902, 6190, 6288, 6315; Gurucharan Singh vs. State (Delhi Admn.) (1978) 1 SCC 118; AIR 1978 SC 179; Manisha Sisodia vs. Directorate of Enforcement, SLP (Crl.) No. 8781/2024; Moti Ram vs. State of Madhya Pradesh, (1978) 4 SCC 47 and Gudikanti Narasimhulu vs. Public Prosecutor, (1978) 1 SCC 240.

5. It is submitted that the Bail is a rule and jail is an exception. The Trial is likely to take long. Hence, a prayer is, therefore, made for grant of Regular Bail.

6. Status Report has been filed on behalf of the State wherein the details of the investigations, has been submitted. It is stated that on preliminary search of CCL and the Applicant and the clothing, no prohibited substance was recovered. However, a brown-taped parcels was recovered from the



Scooty's storage compartment, which contained five packets, which were found to be 4.964 Kilograms of cannabis. During the investigations, supplier Rohit was served with a Notice, to join the investigations but did not co-operate. His Anticipatory Bail Application was dismissed by the learned Sessions Court. The sample proceedings have been conducted before the learned JMFC, Delhi and the same has been sent to FSL for expert opinion.

7. The Bail is opposed on the ground that the investigation is at the nascent stage. The Applicant was involved with CCL in the crime. If the Bail is granted, he may commit similar offence. He is also likely to jump bail. He may help the co-accused Rohit, who is fleeing.

**Submissions heard and the record perused.**

8. As per the Status Report and the FIR, the Applicant was travelling as a pillion rider on a Scooty being driven by RCCL. Nothing was recovered from his person, but 4.975 kgs of cannabis, was recovered from the dicky of the Scooty. The investigations are almost complete.

9. Learned Prosecutor submits that the Charge-Sheet is likely to be filed within a day or two. The Applicant is 70 years old and is not required for further investigations. He is in judicial custody since 30.07.2025. The trial is likely to take long.

10. Considering the nature of allegations and the accompanying circumstances, the Applicant is admitted to Regular bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and



when the matter is taken up for hearing;

- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

11. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

12. The Bail Application is accordingly disposed of.

**NEENA BANSAL KRISHNA, J**

**SEPTEMBER 23, 2025/RS**