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

+ **BAIL APPLN. 3272/2025**

DALIP SINGH @ LANGDA

.....Petitioner

Through: Mr. Rajesh Kumar and Mr. Sanjay
Jain, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with Inspector Ina Kumari, ER-1,
Crime Branch.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

09.09.2025

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1. The applicant, in custody since 20.08.2021 (over 4 years), seeks indulgence of this Court for grant of bail during the pendency of trial in criminal proceedings arising out of FIR No. 0163/2021 dated 20.08.2021 for the alleged offences under Section 20 (c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Crime Branch.

1.1. Briefly speaking, per FIR, on 15.08.2021, a secret information was received that one *Babuji Sahu @ Fauji (the applicant)*, who supplies huge quantities of ganja (*cannabis/marijuana*) in Delhi, would be coming between 05:30–06:30 PM near *Holy Convent Senior Secondary School*,



Ranhola Road, Vikas Nagar, Mohan Garden, Uttam Nagar, Delhi to deliver ganja (cannabis/marijuana) to the applicant.

1.2. DD No. 09 was recorded regarding secret information, and copy sent to the Inspector for compliance of Section 42 NDPS Act. On the way, independent witnesses were requested at Shanti red light and Kashmiri Gate bus stand, but all declined citing personal reasons.

1.3. The raiding party reached the spot, where one person carrying a grey-blue trolley bag and a black pithu bag was identified by the informer as *Babuji Sahu @ Fauji*. Shortly after, another person arrived in an auto and was identified as *Dalip Singh @ Langda (the applicant)*. When applicant received the trolley bag from *Babuji Sahu @ Fauji*, both were apprehended. Their names/addresses were confirmed.

1.4. Subsequently, both were informed of their legal rights under Section 50 NDPS Act, explained about Gazetted Officer/Magistrate option, and given written notices separately. Both declined to be searched in the presence of a Magistrate or Gazetted Officer in writing.

1.5. On checking the trolley bag handed over by *Babuji* to *Dalip* (applicant herein), a cloth bag with white stripes was found inside containing leafy, moist, green, seed-bearing substance with smell, identified as *ganja (cannabis/marijuana)*. Total contraband is of **22.250 kg**.

2. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

3. The learned counsel for the petitioner would submit that the applicant suffers from adverse health conditions, including a fractured right thigh with broken implant and inserted rod, resulting in restricted mobility and



continuous pain requiring specialized medical treatment. He would urge that incarceration in the unhygienic, overcrowded jail environment poses a grave risk of further deterioration and could prove fatal.

3.1. The learned counsel would further submit that the alleged incident of 15.08.2021 involves co-accused Babuji @ Fauji, who was allegedly apprehended with a trolley bag containing ganja (*cannabis/marijuana*), later handed over to the petitioner. However, the spot of recovery and alleged apprehension are distant and inconsistent as per the site plan, and the prosecution has failed to specify from which direction the co-accused arrived. Furthermore, he would emphasise that no independent public witness was joined despite the incident occurring in a crowded public place during daytime.

3.2. The learned counsel would also submit that the mandatory provisions under Sections 42 and 50 NDPS Act were not complied with, rendering the recovery doubtful. Accused has not been taken in the presence of presence of a Gazetted Officer or Magistrate. He would also submit that the IO neither examined nor cited the auto drivers as witnesses, nor offered his own personal search in writing before conducting the search of the petitioner.

3.3. Furthermore, he would urge that the trial has been pending for more than four years with only one formal witness partly examined, indicating that the proceedings will take considerable further time. Meanwhile, the petitioner has already undergone prolonged incarceration. The prosecution has not shown any requirement for further investigation or custodial interrogation, as the charge sheet has already been filed. Hence, there is no risk of tampering with evidence or influencing witnesses. The allegations are



false, mala fide, and the prosecution story is improbable and without legal substance.

3.4. He would further submit that the applicant is entitled to bail on grounds of parity and equity. The co-accused, whose alleged role was greater, has already been granted regular bail by the learned Sessions Court vide order dated 26.10.2024. He would also submit that the earlier rejection of bail and withdrawal of his bail application were procedural and not on merits.

3.5. Learned counsel would also submit that the applicant has no other criminal antecedents, earns his livelihood by fair means, belongs to a respectable family, and is innocent, having been falsely implicated. He is also the sole breadwinner for his wife and school-going children, who are facing financial and emotional hardship in his absence.

4. Learned APP for the State would oppose the bail plea arguing that the applicant deserves no indulgence from this Court as commercial quantity of psychotropic substances is involved in the incident. She further submits that the applicant's previous regular bail application before the learned ASJ/ Special Judge, Tis Hazari, Delhi has already been dismissed.

5. Having heard, I am of the view that there may be some substance in the arguments on merits addressed by the learned counsel for the applicant but the same is matter of trial, however, otherwise, at this stage, it is a case for bail. Let us see how.

6. The applicant, was arrested on 20.8.20221. He is 53 years and an HIV positive patient and has not been receiving proper and effective medical treatment for this incurable disease in jail. Owing to this, a Co-ordinate



bench of this court granted him interim bail for six weeks vide order dated 04.09.2024 in Bail Application No. 2261/2024 on medical grounds. Subsequently, the interim bail was extended for four months vide order dated 23.10.2024.

7. Moreover, the applicant is on antiretroviral therapy (ART), being HIV positive, and has a broken/displaced implant in situ as seen in X-ray. Despite multiple reviews and pain-relieving medications by the Orthopaedician, his complaints persist, and he has been provided a walker for easier ambulation. The report further noted bleeding from the rectum, for which he was reviewed at DDU Hospital and ultrasound was advised.

8. The applicant was first granted interim bail by the learned Sessions court, Tis Hazari. After his release on 12.09.2024, the petitioner has been continuously under treatment at Anand Hospital, Govt. Approved Hospital, where he has been admitted since 14.10.2024. His prescriptions are filed with the record. Thereafter, his interim bail was extended from time to time by this court vide orders dated 18.02.2025, 26.05.2025, 02.07.2025 and 19.08.2025.

9. Applicant has not misused the bails concession as accorded to him from time to time.

10. According to the prosecution, the applicant is alleged to be the receiver of the contraband consignment, namely 22 kg of ganja (cannabis/marijuana), which was purportedly supplied by the co-accused, Babuji Sahu @ Fauji. It is, however, an admitted position that the said supplier, i.e., Babuji Sahu @ Fauji, has already been granted bail by the Sessions Court vide order dated 26.10.2024.



11. Further, in the present case, the applicant has been on interim bail since 04.09.2024 on account of his critical health condition, as he is suffering from AIDS. During this period, there has been no report of misconduct or misuse of the liberty granted.

12. With regard to other cases in which the applicant is implicated, he has already been granted bail. Accordingly, the applicant cannot be considered a flight risk, and there is nothing on record to suggest that he would abscond if released on bail in the present matter.

13. The applicant is the sole breadwinner of his family with his family comprising of his wife and school going children. In his absence, there is no one to take care of this family which is leading the family into literal starvation and penury.

14. The applicant has already undergone over 4 years of incarceration during pendency of the trial, wherein chargesheet already stands filed and investigation is complete. The testimony of prosecution witnesses is being recorded. As far as tampering of the evidence is concerned, the same seems to be an unfounded suspicion since most of the evidence is documentary in nature, which has already been seized by the prosecution and is beyond the reach of the applicant. As regards influencing the witnesses, they are all officials of the prosecution and thus, it is an unfounded suspicion that he may try to reach out.

15. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. bail is the rule and jail the exception, particularly when the accused does not pose a flight risk or a threat to the



integrity of the trial.

16. As an upshot and taking wholesome view of the matter, the applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge.

17. Nothing observed herein above shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposing of the present bail application.

18. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 9, 2025

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