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

+ **BAIL APPLN. 3341/2025**

RENU BIBI

.....Petitioner

Through: Mr. Virender Verma,
Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for
the State with SI Habib Khan,
ER-1, Crime Branch.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

24.09.2025

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1. Applicant herein seeks grant of regular bail in case FIR No. 24/2024 dated 02.02.2024 for the alleged offences punishable under Sections 20 and 29 of NDPS Act at Police Station Crime Branch, Delhi. She was arrested on 02.02.2024.

2. The case of the prosecution as per the status report dated 04.09.2025 is that is on 02.02.2024, a surveillance team led by SI Habib Khan was constituted and deployed in the Delhi area for prevention of narcotic drug trafficking (GD No. 05A, dated 02.02.2024). During patrolling at about 05:50 a.m., when the team was present at Mori Gate, Gol Chaklkar, Tis Hazari Court, Delhi, SI Habib Khan received specific information from an informer. The informer stated that a lady named Renu, resident of Vishakhapatnam, Andhra Pradesh, who is involved in wholesale and retail supply of Ganja, would be coming to the third floor of a



house in Madrasi Colony, Mori Gate, Delhi between 07:00 a.m. and 07:30 a.m. to supply contraband. SI Habib Khan reduced the information into writing and at 06:10 a.m. shared it with Inspector Lichhman (Section ER-1, Crime Branch). Inspector Lichhman, in turn, informed ACP Sh. Rohitash Kumar, who directed appropriate legal action. Accordingly, Inspector Lichhman lodged the information under Section 42 NDPS Act vide GD No. 06A, dated 02.02.2024.

2.1 Pursuant to the information, a raiding team led by SI Habib Khan laid a trap at Rajathi Niwas, K.S. Rajan, B-6/7, Madrasi Colony, Delhi. At the instance of the informer, one lady and one man were apprehended. Upon enquiry, they disclosed their identities as Renu Bibi (45 years), W/o Aabula Kalam, R/o Harishpur, P.S. Murari, District Birbhum, West Bengal, and Sanowar Shekh (50 years), S/o Khudu Shekh, R/o H.No. 91, Sim Colony, Mori Gate, Delhi.

2.2 SI Habib Khan informed both accused about the secret information and introduced the raiding party. A notice under Section 50 NDPS Act was served upon Renu Bibi. She put her thumb impression on the notice after being informed of her legal right to be searched before a Gazetted Officer or Magistrate, which she declined. Being illiterate, her reply was recorded by SI Habib Khan, read over to her, and confirmed with her thumb impression. On directions of SI Habib Khan, W/HC Beepti conducted the search of Renu Bibi. From her right hand, a white plastic bag tied with cloth was recovered. On opening, it contained a brown, smelly,



leafy substance with seeds, appearing to be Ganja. The bag was marked 'A', weighed, and found to be 22 kg including the bag. It was sealed with the seal "HK", handed over to W/HC Biepti, and seized vide memo. A personal search of Renu Bibi was also conducted, but nothing else incriminating was recovered (Search Memo – Nil recovery).

2.3 A notice under Section 50 NDPS Act was also served upon co-accused Sanowar Shekh. He acknowledged it with thumb impression after being informed of his rights and declined to be searched before a Gazetted Officer or Magistrate. Being illiterate, his reply was written by SI Habib Khan, read over to him, and confirmed with his thumb impression. On personal search by SI Habib Khan, a white plastic bag tied with two knots was recovered from his right hand. On opening, it was found to contain Ganja. The bag was marked 'B', weighed, and found to be 2 kg including the bag. It was sealed as parcel 'C' with the seal "HK" (seal taken back from W/HC Biepti for this purpose) and again handed over to W/HC Biepti. The contraband was seized vide memo. His further search yielded nothing incriminating (Search Memo – Nil recovery).

2.4 A written report was prepared, and an FIR under Sections 20 and 29 NDPS Act was registered at PS Crime Branch. Both accused were formally arrested. All mandatory provisions under Sections 42, 50, 52A, 55, and 57 NDPS Act were duly complied with.

2.5 The petitioner Renu Bibi has a previous involvement in a similar NDPS case, FIR No. 91/2013 dated 09.11.2013, under



Section 20 NDPS Act, P.S. V. Madugula, Andhra Pradesh. During investigation, she disclosed that she had procured the seized Ganja from one lady named Ghioing Sukho Devi @ Nepalán, W/o Lama, R/o Ravi Nagar, Naidu Thota, Vishakhapatnam, Andhra Pradesh. She had brought it from West Bengal to Delhi for supply to co-accused Sanowar Shekh. She also led police to the house of the source lady Nepalán, who has since been declared a Proclaimed Person by the Ld. Trial Court on 03.06.2025.

2.6 The chargesheet against both accused was filed before the Ld. Trial Court on 24.07.2024. FSL report confirmed the seized substance as Ganja. The FSL report was filed through a supplementary chargesheet.

3. In the aforesaid backdrop, I have heard the contentions of both the parties.

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the application urging that the charge sheet has already been filed after thorough investigation and all oral and documentary evidence is in custody of the investigating agency and on judicial record, leaving no scope for tampering, especially since the case rests entirely on police testimony. There are 22 witnesses, and the trial, involving their examination and cross-examination, will take considerable time and cannot realistically proceed on a day-to-day basis, while the applicant has already remained in custody since 02.02.2024 with no further purpose being served by continued detention.

4.1 The mandatory safeguards under Sections 42 and 50 of the



NDPS Act and Section 100 of the CrPC, designed to prevent false implication by planting contraband, were not complied with. Communication of rights under Section 50 is not an empty formality but a substantive safeguard, is the contention.

4.2 The alleged recovery itself is doubtful as no independent witness was associated. Even the call data records, relied upon by the prosecution, do not disclose the nature or content of any communication with the co-accused and hence cannot establish conspiracy.

4.3 The charge sheet itself discloses no reasonable ground to believe the applicant is guilty, and the presumption of innocence applies until guilt is proved beyond reasonable doubt. The seriousness of allegations cannot justify indefinite incarceration, for bail is the rule and jail is the exception, and further custody will serve no purpose since lost time cannot be restored. The applicant is a permanent resident of West Bengal, not a flight risk, and undertakes not to tamper with evidence, threaten witnesses, or misuse bail in any manner.

4.4 Learned counsel for the applicant relies on various precedents to argue that prolonged incarceration due to delayed trial violates Article 21 and may override the embargo of Section 37 NDPS; and also canvasses that confessions made to NDPS officers under Section 67 are inadmissible as they are police officers within the meaning of the Evidence Act.

5. Learned APP for the State opposes the bail that applicant is a repeat offender qua the same contraband as she is already



implicated in case FIR No. 91/2013 dated 09.11.2013 under Sections 20 of NDPS Act registered at Police Station V. Madugula, Andhra Pradesh. She has not even secured the bail in the said FIR. Thus, granting of the bail in the present FIR would not result in her release as she has to secure bail in the other FIR in accordance with law.

6. Not only I am in agreement with the aforesaid submission of the learned APP but there are other reasons for denial of the bail as stated here in after.

7. It transpires that earlier bail application was dismissed by learned Special Judge (NDPS), Tis Hazari Courts *vide* order dated 01.08.2025 and subsequently another bail application was dismissed as withdrawn by this Court *vide* order dated 21.07.2025 though, of course, liberty was granted to file a bail application at the subsequent stage, but, I find that it is rather too soon that subsequent, i.e. the instant bail application has been filed without there being any change of circumstances.

8. Commercial quantity of contraband i.e. 22 kg of Ganja was recovered from petitioner Renu Bibi and the case in hand seems to have pan-India ramifications. Renu Bibi is allegedly the main brain behind the present episode and in her disclosure statement she admitted that she came all the way from West Bengal to Delhi for supplying the recovered contraband Ganja to co-accused Sanowar Sheikh, and both petitioner Renu Bibi and co-accused Sanowar Sheikh were apprehended red-handed by the raiding party.

9. It appears to be a case of criminal conspiracy, establishing a



chain of how the Ganja illicit supply racket operates from Vishakhapatnam, Andhra Pradesh to Delhi.

10. Thus, on both counts i.e. merits of the bail application, as well as, lack of any change of circumstance, therefore, I am not inclined to interfere.

11. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case, and the trial shall proceed without being influenced either way by the same.

12. Accordingly, the bail application is dismissed.

ARUN MONGA, J

SEPTEMBER 24, 2025

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