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

+ **BAIL APPLN. 3478/2025**

KANCHAN

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate.
versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for State
with SI Praveen, PS-Shahbad Dairy.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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10.11.2025

CRL.M.A. 31703/2025

1. Allowed, subject to all just exceptions.

2. Application stands disposed of

BAIL APPLN. 3478/2025 and CRL.M.A. 31702/2025

3. The present petition has been filed by the petitioner under Section 483 BNSS (439 Cr.P.C) read with Section 528 BNSS (482 Cr.P.C.) seeking regular bail in connection with FIR No. 599/2025 under Section 21 of NDPS Act, 1985 registered at PS-Shahbad Dairy.

4. Mr. Suraj Prakash Sharma, learned counsel appearing on behalf of petitioner submits that case of the prosecution is that the petitioner was apprehended with psychotropic substance on the basis of secret information. A black polythene bag containing 14.3 grams of heroin was recovered from the petitioner. He submits that the quantity of contraband is intermediate.

5. He further contends that the petitioner is in custody since 16.08.2025 and the investigation is complete, therefore, the custody of petitioner is no more required.



6. On a query posed by the Court, Ms. Richa Dhawan, learned APP appearing on behalf of State, on instructions from the IO who is present in Court, affirms the fact that the quantity recovered from petitioner is intermediate. She, however, points out that there are previous involvements of the petitioner.

7. On further being queried by the Court as to whether previous involvements of petitioner are under NDPS Act, she fairly states that the involvements are under the Excise Act.

8. The law is well settled that in cases involving commercial quantity of narcotic drugs or psychotropic substances, while considering the application of bail, the Court is bound to ensure the satisfaction of conditions under Section 37(1)(b)(ii) of the NDPS Act.¹ Since, in the present case the quantity is undisputedly intermediate, therefore, the provisions of Section 37 of the NDPS Act are not attracted. Further, there is no other involvement of the petitioner in any other case in the NDPS Act.

9. The petitioner is in custody since 16.08.2025 and the investigation is complete, therefore, the petitioner's custody is not required for investigation.

10. In view of the aforesaid circumstances, this Court is of the view that petitioner is entitled to regular bail.

11. Accordingly, the petitioner is admitted to regular bail subject to her furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/Special Judge, further subject to the following conditions:

(a) The petitioner shall appear before the Court as and when the matter is taken up for hearing.

¹ State of Meghalaya v. Lalrintluanga Sailo : 2024 (7) SCR 1314; (2024) 8 JT 1; (2024) 8 SCALE 161



- (b) The petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and she shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - (c) The petitioner shall not come in contact with the witnesses or temper with any evidence.
12. It is clarified that the observations made hereinabove are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.
13. The petition is disposed of in the above terms.
14. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
15. Pending application stands disposed of.
16. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 10, 2025/jg