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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 3582/2024**

**SANOWAR SHEIKH**

.....Petitioner

Through: Mr. Deepak Vohra, Mr. Akash tiwari  
and Mr. Yuvv Wadhwa, Advocates

versus

**THE STATE NCT OF DELHI**

.....Respondent

Through: Ms. Priyanka Dalal, APP for State  
with SI Habib Khan, ER-I, Crime  
Branch

**CORAM:**

**HON'BLE MR. JUSTICE ARUN MONGA**

**ORDER**

% **01.09.2025**

1. Applicant herein is before this Court seeking regular bail in FIR No. 24/2024 dated 02.02.2024 under Section 20, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'), registered at PS Crime Branch, Delhi submitting to the effect that the applicant is in judicial custody since 02.02.2024.
2. Briefly speaking, per FIR, the case put up by the prosecution is that on 02.02.2024, a raiding party was constituted by Crime Branch on the basis of a secret information. One lady, Renu (resident of Vishakhapatnam, Andhra Pradesh), were to deliver Ganja (marijuana/cannabis) at 3rd floor, Mori Gate, Delhi around 7:00 – 7:30 AM. A raiding party with police officials and staff proceeded to the spot; attempts were made to include public witnesses but they refused.



2.1 At about 7:15 AM, at House Rajathi Niwas, K.S. Rajan, B-6/7, Madrasi Colony, Delhi, two persons were apprehended. Renu Biwi carrying a plastic bag And Sanowar Sheikh carrying a white polythene bag. One plastic bag containing suspected Ganja (marijuana/cannabis), weighing 22 kg was recovered from Renu Marked as Parcel A and one polythene bag containing suspected Ganja (marijuana/cannabis), weighing 2 kg (after weighing) recovered from Sanowar Sheikh marked as Parcel B/C.

2.2 Both accused were informed of their rights under Section 50 NDPS Act, notices were served, and they declined search before Magistrate/Gazetted Officer. The recovered substances were sealed on the spot with the seal “HK,” seizure memos were prepared, and seal custody handed to W/HC Bheeti.

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

4. Learned counsel for the applicant would argue on lines of grounds taken in the application *inter alia* urging as below:-

4.1 Learned counsel for the applicant would contend that the applicant is innocent and has been falsely implicated in this case and no independent public witness was joined during the alleged recovery, despite the recovery being shown from a public place.

4.2 Further, he would contend that the alleged recovery of 2 kg Ganja is below commercial quantity, therefore Section 37 NDPS Act is not applicable.

4.3 The counsel would submit that the alleged recovery from the applicant is on individual basis and cannot be clubbed with the recovery from co-accused Renu, as there was no transaction of handing over or taking



the contraband.

4.4 Lastly, the counsel would contend that the applicant is a 55-year-old heart patient with clean antecedents. He is a permanent resident of India, has roots in society, and there is no risk of absconding or misusing liberty. The applicant undertakes to abide by all conditions imposed by the Hon'ble Court and will not misuse the concession of bail.

5. Opposing the above submissions, the learned APP for the State argues that the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him absconding or tampering with the evidence.

6. Having heard, I am of the view that it is a fit case for bail. Let us see how.

7. At the outset, it appears that from the nature of the dispute seems to be *prima facie*, a case of intermediary recovery of ganja (cannabis/marijuana) weighing about 2 kgs from the conscious possession of the applicant. Whereas, co-accused Renu was carrying a commercial quantity weighing about 22 kgs of ganja (cannabis/marijuana), thereby separate recoveries have been made from both the accused persons.

8. In response to a specific query from this Court, the learned APP for the State, on instructions has confirmed that the chargesheet has already been filed, and the investigation, insofar as the applicant is concerned, stands concluded. Hence, custodial interrogation is no longer required.

9. As for concern regarding tampering with evidence, there appears to be no such risk—most of the material is documentary in nature, and the contraband has already been seized and is beyond the applicant's reach. With respect to witness influence, most witnesses are officials of the Narcotics Control Bureau, and thus, there is little to no likelihood of them



being influenced and he even has a clean record, without any criminal antecedents.

10. Taking a comprehensive view of the circumstances, particularly the applicant's prolonged incarceration and quantity of contraband recovered from him, I am of the opinion that he is now entitled to bail pending trial.

11. There is also no likelihood of the applicant absconding, given that he statedly has deep roots in society, and is the primary caregiver for his family.

12. 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.

13. As an upshot and taking a wholesome view of the matter, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

14. 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. In case applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the applicant in the present case vide instant order.



15. Accordingly, the bail application stands disposed of.

**ARUN MONGA, J**

**SEPTEMBER 1, 2025/SV**