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

+ **BAIL APPLN. 3827/2025, CRL.M.A. 29861/2025**

SANJAY KUMAR

.....Applicant

Through: Mr. Yogesh Saxena, Ms. Priya Saxena and Mr. Siddharth Saxena, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with SI Chhagan Lal, Anti Narcotics Cell.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.10.2025

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1. The Applicant is implicated in FIR No. 127/2025, SC NO. 189/2025 under Sections 22/29 of Narcotic Drugs and Psychotropic Substances Act, 1985¹ and Section 7/20 of the Cigarettes and other Tobacco Products Act, 2003. By the present application, the Applicant seeks interim bail on the ground of death of his father.

2. The Applicant's request for interim bail has been declined by the Special Judge, NDPS by order dated 26th September, 2025, and only a limited relief in the form of custody parole for six hours has been granted to enable the Applicant to travel to his hometown in Jaunpur, Uttar Pradesh, to attend the *tehrvi* and *Brahma Bhoj* ceremonies scheduled for 3rd October,

¹ "NDPS"



2025. The Applicant however did not avail of the said relief, citing the distance involved in travel and the limited time of custody parole.

3. The present application for interim bail is opposed by Mr. Amit Ahlawat, APP for the State. He submits that the Applicant is involved in another case under the NDPS Act, wherein he allegedly employed a similar modus operandi. He further contends that there exists strong material indicating the Applicant's involvement in the present case and that his release may result in tampering with the ongoing investigation or his absconding from the proceedings. It is also pointed out that investigation qua the co-accused is still pending, and they remain untraceable. In such circumstances, it is urged that the release of the Applicant may impede the progress of investigation and potentially enable the co-accused to evade the process of law. Mr. Ahlawat further submits that there is no subsisting emergent ground warranting the grant of interim bail, as the last rites and related ceremonies for the Applicant's deceased father have already been held.

4. This Court has duly considered the aforementioned contentions. The demise of the Applicant's father stands verified. It is also noted that the Sessions Court, while observing that the present FIR does not pertain to recovery of a commercial quantity of contraband, nevertheless declined interim bail, *inter alia*, on the grounds that the investigation is ongoing, the co-accused remain untraceable, and the Applicant has a history of prior involvement in an NDPS matter.

5. However, this Court finds that the Applicant's prior involvement pertains to an incident from the year 2012, in respect of which he has already been granted regular bail. In the present case, as per the chargesheet,



the recovery effected is not of a commercial quantity. Considering the above, and taking into account the humanitarian aspect arising from the bereavement suffered by the Applicant, this Court is inclined to adopt a lenient view. The apprehensions expressed by the State with respect to the possibility of the Applicant absconding or interfering with the investigation can be sufficiently addressed by imposing appropriate and stringent conditions.

6. For the foregoing reasons, the application is allowed and the Applicant is directed to be released on interim bail for a period of two weeks, on furnishing a bail bond for a sum of INR 50,000/- with one surety of the like amount, subject to the satisfaction of the concerned Trial Court/ Duty MM on the following conditions:

- (a) The Applicant shall, during the period of his release, provide the address where he would be residing, and shall not change the address without informing the concerned IO/ SHO;
- (b) The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- (c) The Applicant shall not commit any offence during the period of his release on interim bail;
- (d) The Applicant shall surrender before the concerned Jail Superintendent, on or before the expiry of two weeks from the date of release.

7. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

8. It is clarified that any observations made in the present order are for



the purpose of deciding the present bail application and should not influence the outcome of the trial and shall also not be taken as an expression of opinion on the merits of the case.

9. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 8, 2025

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