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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4079/2025 & CRL.M.A. 31729/2025**
ALEX JOSEPHPetitioner

Through: Mr. Sidak Singh Kalra, Mr. Shubhang
Sharma and Mr. Sharanya Gupta,
Advocates.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Amit Ahlawat, APP for State;
Inspector/ATO, Yakub Khan, P.S.
NDRS ND with ASI Rajesh Kumar,
P.S. Kanjhawala.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
07.11.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973)² seeks regular bail in FIR No. 26/2023, registered at P.S. New Delhi Railway Station for the offence under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985³.

2. The case of the prosecution is as follows:

2.1. On 2nd March, 2023, during routine patrolling at the New Delhi Railway Station, police officials of the concerned Police Station noticed two individuals, whose conduct appeared suspicious. They were intercepted and identified as Alex Joseph (the Applicant) and Kiran Raj S. On checking their luggage, two brown packets were found in the trolley and *pithu* bags carried

¹ "BNSS"

² "CrPC"



by each accused. A total of 10.4 kg of *Ganja* was recovered from Kiran Raj S., and 10.364 kg from the Applicant, leading to the registration of the subject FIR.

2.2. During interrogation, the Applicant disclosed that he had procured four packets of *Ganja* from one Kamlu at Bhubaneshwar. He further stated that he had known co-accused Kiran Raj for 7-8 years, and that both of them had agreed to deliver the contraband to a woman in Jaipur, Rajasthan. In furtherance thereof, both accused boarded the Rajdhani Express from Bhubaneshwar to Delhi for delivery of the consignment and were apprehended at New Delhi Railway Station in possession of the contraband.

2.3. The FSL report confirmed that the recovered substance was *Ganja*. Upon completion of investigation, chargesheet was filed against the accused under Sections 20/29/61/85 of the NDPS Act.

3. Counsel for the Applicant submits that the Applicant was arrested on 2nd March, 2023 and has remained in judicial custody for over two years and eight months. The investigation stands concluded and the chargesheet has already been filed, and therefore, continued incarceration of the Applicant is not warranted. It is further submitted that the alleged recovery from the Applicant is 10.364 kilograms of *ganja*, which falls within the category of intermediate quantity, and consequently, the rigours of Section 37 of the NDPS Act are not attracted. Furthermore, co-accused Kiran Raj S., who is stated to have played an identical role and faces similar allegations, has been granted bail by this Court, and thus the Applicant is entitled to bail on the principle of parity.

4. Mr. Amit Ahlawat, APP for the State, on the other hand, opposes the

³ “NDPS Act”



bail application. He submits that a total recovery of 20.764 kilograms was effected from both the accused, which falls within the category of commercial quantity under the NDPS Act. It is further contended that the Applicant is involved in multiple other criminal cases and is a habitual offender, thereby giving rise to a serious apprehension that, if released on bail, he may re-offend or engage in similar activities.

5. The Court has considered the facts of the case and the contentions advanced by the parties. While evaluating a bail application, the Court must consider several factors, including whether there is a *prima facie* case or reasonable grounds to believe the accused has committed the offence, the likelihood of the accused repeating the offence, the nature and seriousness of the accusation, the severity of the potential punishment upon conviction, the risk of the accused absconding or fleeing if granted bail and the reasonable apprehension of witnesses being intimidated by the accused.

6. In the present case, the alleged recovery effected from the Applicant is stated to be 10.364 kilograms of *Ganja*. While the Applicant argues that the same falls within the category of intermediate quantity, the State contends that the present matter involves joint recovery of commercial quantity of contraband, thereby attracting the offence of criminal conspiracy under Section 29 of the NDPS Act. This Court is conscious of the principles discussed in *Awadhesh Yadav v. State Govt. of NCT of Delhi*,⁴ regarding the clubbing of quantities at the stage of bail. At the same time, it is equally relevant to note that a coordinate Bench of this Court has already granted bail to co-accused Kiran Raj S., from whom a similar quantity of contraband was recovered, and who has been assigned a role similar to that attributed to

⁴ 2023 SCC OnLine Del 7732.



the Applicant. In these circumstances, and without delving into the merits of the rival contentions, this Court is of the view that denial of bail to the Applicant, when a similarly situated co-accused has already been extended the benefit of bail, would result in grave prejudice to the Applicant, inconsistent with the principle of parity.

7. The Applicant was arrested on 2nd March, 2023. As per the latest nominal roll on record, he has been in custody for 2 years, 8 months and 2 days as on 3rd November, 2025. The investigation stands concluded, recoveries have already been effected, and the chargesheet has been filed. In such circumstances, the continued incarceration of the Applicant shall serve no fruitful purpose and amount to punitive detention.

8. The Court has also taken note of the State's submission regarding the antecedents of the Applicant. The record indicates that he is involved in certain other cases; however, it is not disputed that he is presently on bail in those matters and that no breach of bail conditions has been reported. The Supreme Court has consistently held, that mere involvement in other cases cannot be a ground, in itself, to deny bail if the accused is otherwise entitled to it on merits.⁵ Further, any apprehension expressed by the State regarding the risk of absconding or reoffending can be adequately addressed by imposing appropriate conditions while granting bail.

9. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused.⁶ Having regard to the totality of circumstances, particularly, the

⁵ Maulana Mohammed Amir Rashadi v. State of U.P., (2012) 2 SCC 382; Prabhakar Tewari v. State of U.P., (2020) 11 SCC 648.

⁶ Sanjay Chandra v. CBI, (2012) 1 SCC 40; Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51.



principle of parity and the period of custody already undergone by the Applicant, this Court is inclined to allow the present application.

10. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall, under no circumstance, leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. 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.
- g. The Applicant shall report to the concerned PS on first Friday, every three months;

11. 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.



12. 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 also not be taken as an expression of opinion on the merits of the case.

13. Disposed of, along with pending application.

SANJEEV NARULA, J

NOVEMBER 7, 2025/as