



2025:DHC:10803



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: December 02, 2025

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BAIL APPLN. 4173/2025**MARIYAM @SALMA THROUGH HER
PAIROKAR**

.....Applicant

Through: Mr. Arun Sharma and Mr.
Sandeep Tyagi, Advs.

versus

THE STATE NCT OF DELHI

.....Respondents

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav and Mr.
Lalit Luthra, Advocates.
SI Sudhir Kumar, PS
ANS/SED.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present application is filed seeking regular bail in FIR No. 284/2024 dated 06.12.2024 registered at Police Station Hazrat Nizamuddin, for the offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. Succinctly stated, on 05.12.2024, on the secret information, a scooty was stopped by the raiding team near Bhogal Flyover. The person riding the scooty was identified as the accused Akash and the pillion rider was identified as applicant/ Mariyam. These accused persons were both found to be carrying two bags with them, and a recovery of 4.093 kg and 6.115 kg of contraband/Ganja was effected from the applicant and Akash, respectively. The recovered contraband as well as the

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scooty was seized and the videography of the recovery was conducted on e-shakshaya app.

3. During interrogation, the said accused persons disclosed that they had rented a premises for storing Ganja. On their disclosure, 71.270 Kg of contraband/Ganja was recovered from their rented flat N-114, 1st floor, Batla House, Jamia Nagar.

4. Hence total 81.270 Kg Ganja was recovered and the same led to the registration of the subject FIIR.

5. The chargesheet has been filed on 02.06.2025 and the charges have been framed.

6. The learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that the quantity of contraband/ganja recovered from the flat cannot be attributed to the applicant as the rent documents does not bear the signatures of the applicant herein and there were no personal belongings of the applicant in the flat to link her to the property or the recovery.

7. *Per Contra*, the learned Additional Public Prosecutor for the State has vehemently opposed grant of any relief to the applicant. He submits that the allegations against the accused are grave and 4 times more than the notified commercial quantity has been recovered in the present case. Hence, the bar under Section 37 of the NDPS Act would be attracted against the applicant.

8. He further submits that there are certain incriminating chats, photos shared and CDRs connectivity, which support the case of the prosecution and establish the active involvement of the applicant in supply of contraband. Further, there are also bank



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account statements of the applicants reflecting financial transactions with the other co-accused persons.

9. He further submits that there are 2 independent witnesses to the recovery, the landlady and her husband, who are yet to be examined.

10. It is also submitted that the applicant was granted interim bail by the learned Trial Court, on 28.02.2025, but she violated the bail conditions and failed to surrender on the due date.

11. Submissions heard and the material on record perused.

12. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

13. Pertinently, 11.90 Kg of ganja was recovered from the applicant and Akash and 71.062 Kg of Ganja was recovered upon their disclosure from their flat in Jamia Nagar. The total recovered quantity in the present case from the accused persons is commercial in nature i.e. 81.270 kg ganja.

14. As commercial quantity of contraband has been recovered in the present case, therefore, the rigours of Section 37 of the NDPS Act are attracted and the Court can grant bail only when

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the following twin conditions stipulated in Section 37(1)(b) of the NDPS Act are satisfied- (1) The court must be satisfied that there are reasonable grounds for believing that the person is not guilty of such offence; and (2) That the person is not likely to commit any offence while on bail.

15. In the present case, during investigations the applicant/accused and co-accused Akash had disclosed that they used to supply ganja in various areas of Delhi/NCR on scooty and further, co-accused Akash Ali disclosed that he was employed at the waste material godown owned by the applicant/accused and she induced him to participate in the supply of ganja for additional monetary gain, and he began to supply ganja in Delhi NCR.

16. It is further the case of the prosecution that during interrogation, Applicant has disclosed that she is involved in the business of selling ganja for many years and one Sabir Ali @ Sikku buys the contraband from a supplier, sends it to her, which she along with her partner Akash Ali sell at a higher rate and they share the profit earned from this among themselves.

17. Pertinently, the prosecution has also alleged that there are CDR connectivity, incriminating chats and financial transactions with the other co-accused persons. It is also brought forth that there are certain bank statements of the applicant which reflect payments made to the main persons/sources from where ganja was procured namely, Badnayini Jogulu and Chandan Kumar, who are absconding and are yet to be arrested as NBWs have been issued against them.

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18. The applicant has agitated that doubt is cast on the recovery as the rent agreement of the alleged premises does not bear the signatures of the applicant and there were no personal belongings found in the premises which could link her to the alleged recovery. It is further argued that the disclosure statement is inadmissible as evidence and the material against the applicant is not sufficient to implicate her in the present case.

19. While it is rightly argued that the disclosure of statement is not be admissible as evidence, it cannot be ignored that the present matter is one where the prosecution has brought forth certain incriminating chats regarding the contraband/Ganja between the Applicant and her husband/Sabir, along with other circumstantial evidence, including the financial transactions and CDR Connectivity.

20. In the case of *Narcotics Control Bureau v. Mohit Aggarwal: Criminal Appeal Nos. 1001-1002/2022*, the Hon'ble Apex Court set aside the order granting bail and observed that the circumstantial evidence ought to have dissuaded the Court from exercising its discretion in favour of the accused therein.

21. Though the veracity of allegations and the defence raised will be tested at during the course of trial, considering the specific role attributed to the applicant, the recovery of a huge commercial quantity of contraband, the chats and the financial transactions and CDR connectivity between the applicant and the other accused persons and main sources/absconders, this Court is of the opinion that a prima facie case is made out against the applicant at this juncture and there are reasonable grounds to



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believe that the applicant is guilty of the alleged offence.

22. Moreover, it has been pointed out that the recovery has been duly video-graphed and there are 2 independent witnesses to the recovery, who are yet to be examined. Video recording of the seizure of contraband in the presence of independent witnesses *prima facie* shows applicant's possession of the commercial quantity of contraband.

23. Even the main accused persons/sources, are absconding are yet to be arrested. The applicant is stated to have financial transactions with them. Thus, the possibility of tampering with the evidence and fleeing also cannot be ruled out.

24. Although it is stressed that the applicant has been in judicial custody since 06.12.2024, the extent of incarceration is not such so as to overcome the rigours under Section 37 of the NDPS Act.

25. In such circumstances, this Court is of the opinion that there is material to link the applicant with the offence and the applicant has not made out a *prima facie* case for grant of bail.

26. 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.

27. The bail application is dismissed in the aforesaid terms.

AMIT MAHAJAN, J

DECEMBER 2, 2025

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