



2026:DHC:505



\$~54

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

%

Date of Decision: 21.01.2026+ **BAIL APPLN. 266/2026****MARIYAM @ SALMA THROUGH HER PAROIKAR**

.....Petitioner

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

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with SI Ajeet Singh, ANS/SE

CORAM: JUSTICE GIRISH KATHPALIA**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 284/2024 of PS Hazrat Nizamuddin for offence under Section 20(b)(ii)(C)/29 NDPS Act.
2. The earlier bail application of the accused/applicant was dismissed by the co-ordinate bench by way of elaborate order dated 02.12.2025. Copy of the said order is Annexure-1 to this bail application.
3. On being called upon to address change in circumstances, if any, which would entitle the accused/applicant move fresh bail application, learned counsel for accused/applicant submits that there was no conscious possession of the contraband with the accused/applicant and that subsequent

*BAIL APPLICATION 266/2026**Page 1 of 2 pages*

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 21.01.2026
18:09:13GIRISH
KATHPALIADigitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH
COURT OF DELHI, ou=DELHI
COURT OF DELHI, email=girish.kathpalia@delhihi.org, c=IN
Date: 2026.01.21 18:09:13 +05'30'



2026:DHC:505



to 02.12.2025, co-accused Sabir Ali has been granted bail by this Court.

4. So far as accused Sabir Ali is concerned, he was granted bail vide order dated 09.01.2026 after elaborate discussion, mainly for the reason that no legally admissible evidence at all against him was found. Accused Sabir Ali was arrested on the basis of confessional statement of the present accused/applicant and her co-accused Akash and nothing incriminating was recovered from Sabir Ali. As regards the present accused/applicant, that is not the case. The present accused/applicant was apprehended and arrested on the spot by the raiding team while she, sitting pillion on the scooter of her husband Akash was found transporting approximately 12kg *ganja* and on the basis of their disclosure, 71.27kg *ganja* was recovered from their house.

5. So far as the argument of conscious possession, the same is not strong enough to make inroads into the twin test mandated under Section 37 NDPS Act. Even otherwise, this argument falls beyond the principle of change in circumstances while considering the second bail application after dismissal of the earlier one by detailed order.

6. Therefore, the bail application is dismissed.

7. Copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH
KATHPALIA**
GIRISH KATHPALIA
(JUDGE)

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d889b27a77b265fffe4afe,
c45569af3962c6f04835d435f97626cacc,
ou=HIGH COURT OF DELHI, CN=7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d1
5570996d4080cb22ee6d402c487965ff80
1e26fa, cn=GIRISH KATHPALIA
Date: 2026.01.21 18:04:58 +08'00'

JANUARY 21, 2026/as

BAIL APPLICATION 266/2026

Page 2 of 2 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 21.01.2026
18:09:13