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

+ **BAIL APPLN. 2186/2025**

HANSRAJ

.....Petitioner

Through: Mr. Deepanshu Goswami, Ms.
Kirti Chauhan and Mr. Rohit
Sahrawat, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for
State with SI Vipin Kumar.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.01.2026

1. The present application has been filed seeking regular bail in FIR No. 502/2024 dated 18.10.2024, registered at P.S. Prashant Vihar, for offences punishable under Sections 20 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"].

2. I have heard Mr. Deepanshu Goswami, learned counsel for the applicant, and Mr. Tarang Srivastava, learned Additional Public Prosecutor ["APP"] for the State.

3. Mr. Srivastava has placed on record a status report, narrating the facts leading to the registration of the FIR, as follows:

- a) As per the prosecution, on 18.10.2024 at approximately 01:15 A.M., during routine patrolling, two police officials noticed a scooter bearing registration No. DL-11K-9469. Upon being



signalled to stop, the rider allegedly attempted to flee and was apprehended after a short distance.

- b) A white plastic bag was found lying on the footmat of the scooter, which, upon inspection, was found to contain a substance suspected to be *Ganja*.
- c) The recovered substance was weighed and found to be 4.556 kgs.
- d) The rider of the scooter was identified as the present applicant.
- e) On the basis of the aforesaid recovery, the present FIR was registered.
- f) During the course of investigation, a notice under Section 50 of the NDPS Act was served upon the applicant, and he was subsequently arrested on 18.10.2024.
- g) During interrogation, the applicant allegedly disclosed that he had purchased the contraband from two persons for a total consideration of Rs. 50,000/-. It is further stated that, at the time of apprehension, the applicant was running an egg stall, when some individuals claiming to be from the Narcotics Branch approached him, and questioned him about *Ganja*. This caused him to panic and attempt to remove the contraband from the spot.
- h) The suppliers of the narcotic substance could not be traced despite efforts.
- i) The sampling of the recovered substance was carried out in accordance with Section 52A of the NDPS Act.
- j) It is further stated in the status report that the scooter used by the applicant was found to be stolen, pursuant to which e-FIR No. 031352/2024 was registered at P.S. Maurya Enclave, Delhi.



4. Mr. Goswami submits as follows:
- a) The quantity of *Ganja*, allegedly recovered from the applicant, is much below the threshold of 20 kgs, as prescribed for constituting a commercial quantity under the NDPS Act, and therefore, the rigours of Section 37 of the NDPS Act are not attracted in the present case. The recovery falls within the category of intermediate quantity.
 - b) The applicant has already undergone incarceration for more than one year and three months.
 - c) During the period of custody, the applicant suffered a personal tragedy, inasmuch as his only son, aged 25 years, committed suicide. The applicant's daughter is married and residing separately, and the applicant is presently required to take care of his wife.
 - d) With respect to the applicant's antecedents, Mr. Goswami submits that although the status report refers to involvement in five criminal cases, no record is available in respect of two of them. As regards the remaining three cases, the applicant has been acquitted in e-FIR No. 031352/2024 pertaining to the alleged theft of the scooter, and in FIR No. 52/2011, he was convicted, but sentenced only to the payment of a fine. It is submitted that, to the applicant's knowledge, only FIR No. 137/2015 registered at P.S. Bhalswa Dairy remains pending against him.
5. *Per contra*, Mr. Srivastava opposes the bail application and submits that, although the present case does not involve a commercial quantity, the applicant's previous involvement in multiple criminal cases



ought to be taken into consideration while deciding the present application.

6. Having heard learned counsel for the parties, I am of the view that the present case warrants the grant of regular bail to the applicant for the following reasons:

- a) The quantity of *Ganja* allegedly recovered from the applicant is 4.556 kg, which falls at the lower end of the intermediate quantity category (2 kgs to 20 kgs). Admittedly, the recovery does not constitute a commercial quantity, and therefore, the stringent conditions prescribed under Section 37 of the NDPS Act are not applicable to the present case.
- b) The applicant has already remained in custody for a substantial period. As per the Nominal Roll submitted by the Jail Authorities, the applicant had undergone custody of eight months and one day as on 02.07.2025. He has thus been in judicial custody for more than 1 year and 2 months at this time. His overall jail conduct has been reported to be satisfactory.
- c) It is also noted in the status report, that the applicant had been granted interim bail on account of the death of his son, and had surrendered within the stipulated time.
- d) Involvement in other criminal cases, by itself, is not always a ground for denial of bail. This position has been affirmed by the Supreme Court in *Prabhakar Tewari v. State of U.P.*¹, *Ayub Khan v. State of Rajasthan*², and more recently in *Abhimanue v. State of*

¹ (2020) 11 SCC 648, paragraph 7.

² 2024 SCC OnLine SC 3763, paragraph 10.



*Kerala*³. In the present case, out of the five cases referred to by the prosecution, the applicant has already been acquitted in one and sentenced only to the extent of payment of fine in another. None of the said cases pertains to offences under the NDPS Act.

- e) The trial is also likely to take considerable time, inasmuch as only one prosecution witness has been examined so far, out of a total of fourteen listed witnesses.

7. For the aforesaid reasons, the applicant is admitted to regular bail in FIR No. 502/2024 dated 18.10.2024, registered at P.S. Prashant Vihar, for offences punishable under Sections 20 and 25 of the NDPS Act, subject to his furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount, to the satisfaction of the learned Trial Court or the Duty Metropolitan Magistrate, and subject to the following conditions:

- a) The applicant shall not leave the Delhi National Capital Region without prior permission of the Sessions Court.
- b) The applicant shall provide permanent address to the Sessions Court, as also the address where he is residing during the pendency of the case. The applicant shall intimate the Investigating Officer [“IO”], and file an affidavit before the Sessions Court, regarding any change in residential address.
- c) The applicant shall appear before the Sessions Court as and when the matter is taken up for hearing.
- d) The applicant shall provide his mobile number to the concerned IO Station House Officer, which shall be kept in a working

³ 2025 SCC OnLine SC 2037, paragraph 23.



condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial.

e) The applicant shall not commit any offence during the period of his release.

8. The bail application is disposed of in the above terms.

9. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application and shall not influence the trial proceedings, nor shall they be construed as an expression of opinion on the merits of the case.

10. Copy of the order be communicated to the concerned Trial Court and concerned Jail Superintendent for information.

PRATEEK JALAN, J

JANUARY 16, 2026
SS/SD/