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

\# **CNR No. DLHC010428312026**

\+ BAIL APPLN. 3782/2026

NOOR JAHAN .....Petitioner

Through: Mr. Vaibhav Kumar & Mr. Vishal Mishra, Advocates.

versus

STATE GOVT OF NCT OF DELHI .....Respondent

Through: Mr. Mukesh Kumar, APP for State with SI Suraj, P.S.: Chanakyapuri

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 03.11.2026

1. The present application has been filed seeking regular bail on behalf of the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') in connection with FIR No. 0106/2026, dated 23rd June, 2026, registered under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') at Police Station Chanakyapuri, New Delhi.

2. It is stated that the applicant was arrested on 23rd June 2026.

3. Notice in the application was issued *vide* order dated 18th September 2026.

4. The applicant has been granted interim bail earlier *vide* order dated 6th October, 2026 on medical grounds for the treatment of her minor child and is currently out on interim bail.

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5. The status report is lying under objections.

5.1. A copy of the same has been handed over in Court and the same is permitted to be taken on record.

6. As per the status report, the applicant, along with co-accused, were apprehended as suspects on 22nd June, 2026, and were detained with suspicious narcotics substances and cash. The samples were sent for testing and they were identified as *Smack (heroin)*. The total recovery was 22 gm from the applicant and the case was registered under Sections 21/25/29 of the NDPS Act. The sampling of the seized narcotic substances was conducted on 20th August, 2026 and the chargesheet has been filed. On 15th September, 2026, the samples were sent for testing to the Forensic Science Laboratory ('FSL'). The FSL report is still awaited.

7. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The alleged recovery made from the applicant is not supported by any independent witness. It is submitted that proceedings under Section 52A of the NDPS Act were conducted belatedly. The chargesheet has already been filed and therefore, incarceration of the applicant is not required any further.

8. I have heard counsel for the parties.

9. Admittedly, in the present case, recovery of 22 gm of heroin was made, which is an intermediate quantity and is much less than the commercial quantity. Therefore, the rigours of Section 37 of the NDPS Act would not be applicable in the present case.

10. The applicant is a woman, aged 28 years, and has a child aged 8 years. The applicant's minor child is undergoing treatment for tuberculosis. Further, the applicant is not involved in any other similar offence under the

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NDPS Act.

11. As per the Nominal Roll, the applicant has spent about four (4) months in custody, during which period, her conduct has been satisfactory.

12. Considering that the chargesheet has been filed and the trial is likely to take considerable time, in my opinion, the applicant cannot be kept under incarceration for an indefinite period of time. Therefore, this Court considers it fit to grant bail to the applicant.

13. For the foregoing reasons, the present application is allowed and the applicant is directed to be released on bail, subject to the applicant furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Trial Court, and further subject to the following conditions:

a. The applicant shall provide her latest mobile number(s) to the concerned Investigating Officer ("I.O.")/Station House Officer ("S.H.O."), which shall be kept in a working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the I.O.

b. The applicant shall furnish her permanent address to the I.O., as well as the address where he is residing during the pendency of the matter, within one (1) week from today, and will inform the I.O. and this Court in case of any change in address.

c. The applicant will appear before the Trial Court as and when the matter is listed for hearing.

d. The applicant shall not leave the country without the permission of the Court.

e. The applicant shall not commit any offence during the period of their

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release.

f. 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.

14. Needless to state that any observations made herein are purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the case.

15. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.

AMIT BANSAL, J

NOVEMBER 3, 2026
at

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