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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3375/2025 & CRL.M.A. 26372/2025**
RIHAANPetitioner

Through: Mr. Meghan, Advocate.

versus

STATE OF NCT OF DELHIRespondent
Through: Ms. Priyanka Dalal, APP for the State
with SI Habib Khan, ER-I, Crime
Branch.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
17.02.2026

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1. Applicant seeks Regular bail in a case arising out of FIR No.259/2024 dated 13.12.2024, registered at P.S. Crime Branch, for commission of offences under Sections 20/29 of *Narcotic Drugs and Psychotropic Substances Act, 1985* (NDPS Act).
2. As per the case of prosecution, on the basis of some secret information, the applicant-Rihaan and his real brother were apprehended on 13.12.2024 near Kashmiri Gate bus stand where they were going to supply *Ganja* to someone. They both are, reportedly, residents of Deoband, Saharanpur, U.P. and were, allegedly, transporting the abovesaid contraband from Odisha and Andhra Pradesh for distribution in Delhi, NCR.
3. As far as applicant-Rihaan is concerned, he was found in possession of 4 kilograms of *Ganja* whereas there was recovery of around 20.160 kilograms of *Ganja* from his brother-Sufiyan. The necessary documentation was done at the spot and after complying with the mandatory provisions, the accused persons

BAIL APPLN. 3375/2025

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were arrested.

4. Charge-sheet has already been filed and even the FSL report has been received which confirms the contraband in question to be *Ganja*.

5. Charges have yet not been framed and it is apprised by learned counsel for the applicant as well as learned Addl. P.P. for the State that the applicant had disclosed about the involvement of one source and such source could not be apprehended and has already been declared a proclaimed person.

6. Learned counsel for the applicant submits that the applicant is in custody since 13.12.2024 and does not have any previous involvement of any nature whatsoever. It is also submitted that the applicant is in his late twenties and his further incarceration would have a *telling-effect* upon him as, even otherwise, since charges have yet not been ascertained, there is no likelihood of trial being completed in the near future.

7. It is also argued that, even otherwise, as per the bare case of the prosecution, the alleged conscious recovery from the applicant is of intermediate quantity as the commercial quantity is 20 kilograms onwards and, therefore, he deserves to be released on bail. Learned counsel for the applicant also submits that the applicant would abide by any condition to be imposed in this regard upon him.

8. Learned Addl. P.P. for the State while opposing the present bail application submits that the applicant and his brother were travelling together and, therefore, there is apparent conspiracy and nexus between them. Moreover, they both have been charge-sheeted for offence under Section 29 of NDPS Act.

9. According to learned counsel for the applicant, the separate quantities of aforesaid contraband recovered from the accused persons cannot be clubbed as one recovery. He places reliance upon *Awadhesh Yadav vs. State Govt. of NCT of Delhi* (Bail Appln. No.1692/2023); *Anita @ Kallo vs. State*, 2023 OnLine Del



4178; and *Amar Singh Ramji Bhai Baroi vs. State of Gujarat*, (2005) 7 SCC 550.

10. Fact, however, remains that the abovesaid aspect is required to be adjudicated by the learned Trial Court after hearing arguments from both the sides and it will not be appropriate for this Court to make any observation either way, with respect to the element of conspiracy, particularly, when further investigation is already going on.

11. In view of the above and, particularly, keeping in mind the fact that conscious recovery from the applicant is of intermediate quantity only, the applicant is directed to be released on bail on his furnishing personal bond in a sum of Rs. 25,000/- with one surety of like amount, subject to the satisfaction of learned Trial Court/CJM/Duty Magistrate with following conditions:-

- (i) The applicant would provide his Mobile Number to the concerned I.O and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.
- (ii) The applicant would not try to come in contact of any public witness, directly or indirectly.
- (iii) The applicant would not change his address and in case there is any change in the address, the same shall be duly intimated not only to the Investigating Officer but also to the learned Trial Court.

12. The application stands disposed of in aforesaid terms.

13. A copy of this order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

FEBRUARY 17, 2026/st/sa



This is a digitally signed order.

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