



GIRISH KATHPALIA



2026:DHC:1209



20(b)(ii)(C)/25 NDPS Act.

2. These bail applications were listed for the first time on 08.04.2025 and 17.09.2025, respectively before the predecessor benches and thereafter continued getting adjourned before different benches. Today, the applications are listed before me for the first time.

3. I have heard learned counsel for accused/applicants and learned APP assisted by IO/SI Naveen.

4. Broadly speaking, prosecution case is as follows. On 04.12.2022 at about 07:30pm, on receipt of secret information by Special Staff of South District, raiding team after necessary compliances was constituted and briefed. The raiding team along with the secret informer laid a trap. At about 11:00pm, a purple black scooty was seen coming from Mehrauli towards Badarpur. The scooty driver and the pillion rider were apprehended and they disclosed their names as Rahul and Dipak Das. One plastic bag was found between legs of Rahul, and one white plastic bag was held by Dipak. The said plastic bags, on being opened were found to contain 11 packets each containing 28.100 kg Ganja. After necessary investigation, both accused persons, namely, Rahul and Dipak Das were arrested. On further interrogation, the accused Dipak Das disclosed that he had purchased 100 kg Ganja from his friends residing in West Tripura, to be sold further in Delhi. Thereafter, on the disclosure statement of accused Dipak Das, two white plastic bags, each containing nine packets of Ganja to the tune of 23.188 kg and 23.300 kg were recovered. While being on police remand,

BAIL APPLN. 1382/2025 & 3555/2025

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the accused persons were further interrogated regarding source of the Ganja. On 16.12.2022, accused Dipak Das was consigned to judicial custody, after which on 19.12.2022 application for sampling was filed before the learned court of Sessions and the same was assigned to the concerned Magistrate for 21.12.2022. On 21.12.2022, the learned Magistrate could not take up the matter due to heavy load and it was adjourned to 02.01.2023. On 02.01.2023 sampling of the recovered Ganja was conducted before the Magistrate and on 06.01.2023, it was deposited in FSL.

5. Against the above backdrop, it is contended on behalf of accused Dipak Das that the prosecution case appears to be a fabricated one because the admitted position is that during forenoon of 04.12.2022, the said accused applicant was illegally picked by the Special Staff and thereafter booked in the present case. Learned counsel for accused Dipak Das also contends that on account of delay in sending the sample to FSL, the accused/applicant deserves bail. It is also contended that grounds of arrest were not furnished to the accused/applicant, so he deserves bail. Lastly, it is argued that trial itself is being delayed, so the accused/applicant deserves bail.

6. Learned counsel for accused Rahul also contends that Rahul is innocent. It is contended that since no independent witness was joined in the alleged recovery and no videography was carried out, the accused deserves bail. It is also argued that despite directions dated 19.12.2024 passed by a coordinate bench to expedite the trial, till date only one witness has been partly examined.







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It is not unbelievable that in the forenoon a person is apprehended but discharged after necessary questioning and in the night, the same person is apprehended with the contraband.

13. Coming to the delay in trial, I have examined the ordersheets of the trial court placed on record in the bail application of accused Dipak Das. Keeping in mind the dockets of the Special Courts, I am unable to find it to be a case of any delay in trial. On almost each date, effective proceedings were carried out and even the periods between dates of hearing cannot be said to be unjustifiably long adjournments.

14. I am unable to find any circumstance that could satisfy the Court that there are reasonable grounds for believing that the accused/applicants are not guilty of the offences charged with and that they are not likely to commit any offence while on bail.

15. Therefore, both bail applications are dismissed.

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GIRISH KATHPALIA
(JUDGE)

FEBRUARY 12, 2026

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