



2026:DHC:1920



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.03.2026

+ BAIL APPLN. 3959/2025

PARMANAD @ PARVEEN

.....Petitioner

Through: Mr. Varun Deswal and Mr. Danish Khan, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with ACP Raj Kumar.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 183/2024 of PS Crime Branch for offence under Section 20(B)(ii)(C)/29 NDPS Act and Section 209 BNS.

2. Conduct of Delhi Police in this case is shocking, to say the least. Despite last detailed order (dated 16.01.2026), the concerned ACP (*Mr. Satender Mohan, who filed the status report annexing tampered document*) has opted not to appear. In his place, ACP Mr. Raj Kumar has come but submits that the concerned ACP Mr. Ajay Kumar has retired three months

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back and despite efforts, they could not contact the concerned ACP. Mr. Raj Kumar, ACP is obviously unable to explain the tampering. For convenient understanding, order dated 16.01.2026 is extracted below:

"1. The accused/applicant seeks regular bail in case FIR No. 183/2024 of PS Crime Branch for offence under Section 20(B)(ii)(C)/29 NDPS Act.

2. In furtherance of last order, learned counsel for accused/applicant has produced a copy of bail order of the transporter Jeewan. That bail seems to have been granted solely for the reason that grounds of arrest were not communicated to the accused/applicant.

3. I further heard learned counsel for accused/applicant. The rigors of Section 37 NDPS Act would operate in this case as the quantity of ganja allegedly recovered from the accused/applicant was 46 kg.

4. One of the serious arguments advanced on behalf of accused/applicant is that according to the entire prosecution case and the FIR, the alleged recovery was carried out at 08:00 pm on 12.09.2024 and prior to that, FSL team was requisitioned for inspection of the spot and case property. The said requisition letter (page 123 of paperbook) is dated 13.09.2024. Further, even the crime scene report (page 124 of paperbook) shows the crime scene inspection being carried out from 10:00 pm to 01:30 am of the next day and the same was carried out vide DD No. 254A dated 13.09.2024.

5. Learned APP has submitted the status report, which is accepted across the board to be scanned and made part of record. Page 7 of the status report is another copy of the requisition letter bearing interpolation of the date in which the date has been converted from 13 to 12. Learned APP is unable to explain as to when this correction was carried out and in what manner. It is submitted by learned APP that the IO/SI Amolakh has not appeared and in his place SI Meenu has appeared but is not aware of the facts.

6. In normal circumstances, this in itself should be a reason to release the accused/applicant on bail. But keeping in mind the gravity of charge and operation of Section 37 NDPS Act, I do not want to deprive the prosecution an opportunity to explain.

7. On the next date, the concerned ACP shall personally appear

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*with the IO to explain the circumstances.
8. Relist on 09.03.2026 in Advance List."*

3. Learned APP for State submits that the recovered quantity of *ganja* being commercial quantity, in view of rigours of Section 37 NDPS Act, the accused/applicant is not entitled to be released on bail. As regards the aforementioned discrepancy of dates, learned APP submits that it was just an inadvertent error insofar as the recovery in question took place on 12.09.2024 only and the date of Daily Diary Entry was wrongly mentioned in the FSL requisition letter.

4. As mentioned above, allegation against the accused/applicant is that at his instance 46 kg *ganja* was recovered and the same being commercial quantity, rigours of Section 37 NDPS Act would come into play.

5. According to prosecution case, the alleged recovery was carried out at about 08:00pm on 12.09.2024 and prior to the alleged recovery, the IO requisitioned the FSL team on the spot for inspection of the spot and the case property. Obviously, for an anticipated recovery dated 12.09.2024, the FSL requisition letter would be dated 12.09.2024 or prior to that day, and not subsequent to that day. As reflected from FIR itself, the FSL team reached the spot and inspected the spot on 12.09.2024 prior to the alleged recovery of the contraband. But the said requisition letter (*page 123 of the paperbook*) is dated 13.09.2024. There is no explanation from prosecution side for this discrepancy.

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9. I find substance in the submission of learned counsel for accused/applicant that there are reasonable grounds for believing that the accused/applicant has been falsely framed in this case and is not guilty of the offence for which he has been arrested, and he remains in jail since 13.09.2024. Of course, on these aspects, the learned trial court shall take independent view at final stage on the basis of evidence adduced.

10. Therefore, this bail application is allowed and the accused/applicant is directed to be released on bail, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court.

11. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

12. A copy of this order be sent to the Commissioner of Police with the directions to carry out detailed enquiry and to submit report within two weeks from today as regards the above mentioned tampering of dates.

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(JUDGE)

MARCH 09, 2026/ry

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