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

+ **BAIL APPLN. 4290/2025**

**SANDEEP KUMAR @ SONU**

.....Petitioner

Through: Mr. Pramod Kumar, Mr. Avdhes  
Kumar and Mr. Rahul Singh,  
Advocates.

versus

**THE STATE NCT OF DELHI**

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.  
IO/SI Avdhesh Dixit, P.S.: Crime  
Branch.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

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**30.04.2026**

**CRL.M.A. 33222/2025 (exemption)**

Exemption granted, subject to just exceptions.

The application stands disposed-of.

**BAIL APPLN. 4290/2025**

By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No.157/2023 dated 29.06.2023 registered under sections 20/29 of the Narcotic Drugs and Psychotropic Substances Act 1985, at P.S.: Crime Branch, Delhi.

2. Notice on this petition was issued on 11.11.2025.
3. Status report under cover of Index dated 19.03.2026 has been filed by the State.
4. Nominal roll dated 23.02.2026 has been received from the Jail Superintendent.



5. Learned counsel for the petitioner submits, that a perusal of the subject FIR would show that the role attributed to the petitioner is that he collected a brown colour parcel from co-accused Meghraj @ Deepak, while the petitioner was on a motorcycle and put it in his black bag, the allegation being that the parcel contained contraband. It is alleged that the police had been keeping a watch on the co-accused person, and apprehended both of them when the petitioner was about to put the parcel in his bag. It is alleged that the parcel was found to contain about 1.558 kgs of *charas*.
6. Counsel submits, that though admittedly the entire operation was allegedly conducted in a public place near the PWD Office at *Majnu Ka Tila* at about 12:50 p.m., no public witness was joined in the apprehension either of the co-accused or the petitioner.
7. Furthermore, it has been alleged that the CDR location and CDR connectivity between the co-accused and the petitioner, also incriminates the petitioner.
8. In this backdrop, counsel submits, that the prosecution has cited 21 witnesses in chargesheet dated 18.12.2023; however only 01 of them has so far been examined before the learned trial court.
9. Counsel also draws attention to the order-sheets of the proceedings before the learned Special Judge, in particular orders dated 31.07.2025, 18.11.2025, and 27.01.2026, to submit that repeated adjournments have been taken by the prosecution; and prosecution witnesses have remained absent over several dates. Counsel points-out, that *vide* order dated 18.11.2025 the learned Special Judge has even sought an explanation from his *Ahlmad* and *Assistant Ahlmad* as to why



departmental enquiry should not be initiated against them for not having issued summons to the prosecution witnesses. Copies of the aforesaid orders have been handed-up in court. The same are taken on record.

10. Counsel argues, that co-accused Meghraj @ Deepak has been admitted to regular bail *vidé* order dated 19.09.2025 passed in BAIL APPLN. No. 2517/2025 by a Co-ordinate Bench of this court, based on the same broad set of facts, and specifically on the ground that there seems to be delay in trial, which would defeat the right to speedy trial guaranteed under Article 21 of the Constitution of India. Counsel accordingly seeks parity with the co-accused Meghraj @ Deepak.
11. Additionally, counsel submits, that since all witnesses in the case are police officials, there is no possibility of witness intimidation.
12. Counsel also points-out, that of the 03 accused persons, Raj Kumar @ Anju @ Navjot @ Manish @ Ankit has been discharged by the learned trial court on 13.12.2024; Meghraj @ Deepak is on regular bail; and therefore, it is *only* the petitioner who is presently in judicial custody in the case.
13. Mr. Shoaib Haider, learned APP for the State opposes the grant of bail submitting, that commercial quantity of *charas* has been recovered from the petitioner; and therefore he is likely to be convicted.
14. Upon a conspectus of the foregoing, the considerations that weigh with this court *at this stage* are the following:
  - 14.1. The prosecution allegation that the petitioner was found in possession of commercial quantity of *charas*, in and of itself,



cannot lead to the conclusion that the petitioner will certainly be convicted;

14.2.As in several other cases, it is evident that the trial has been proceeding tardily; and since only 01 out of 21 prosecution witnesses has so far been examined, it is clear that trial will take a long time to conclude;

14.3.Of the 03 co-accused persons, one has been discharged, the other co-accused is on regular bail; and it is *only* the petitioner who is presently in judicial custody, as has been narrated above; and

14.4.As of 23.02.2026, the petitioner has suffered judicial custody for more than 02 years and 07 months as an under-trial; his overall jail conduct has been ‘satisfactory’; and he has no other criminal implications;

15. Most importantly, this court would remind itself of the observations of the Supreme Court in ***Union of India vs. K.A. Najeeb***<sup>1</sup> as followed by the undersigned while sitting in Division Bench in ***Mohd Hakim vs. State (NCT of Delhi)***,<sup>2</sup> where the court has recognised that the right to speedy trial guaranteed under Article 21 of the Constitution *must be preserved*; and that the court must step-in early rather than late, to protect the right before it is defeated by the reason of prolonged undertrial incarceration. As observed in *Mohd Hakim*, this court must act as a ‘doctor’ and not as a ‘coroner’ and save the right to speedy trial

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<sup>1</sup> (2021) 3 SCC 713

<sup>2</sup> 2021 SCC OnLine Del 4623



from extinguishment rather than lament later that it should have been preserved.

16. In view of the above, this court is persuaded to allow the present bail petition. Accordingly, the petitioner – **Sandeep Kumar @ Sonu s/o Preetam Singh** – is admitted to *regular bail* pending trial, subject to the following conditions:

16.1. The petitioner shall furnish a personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;

16.2. The petitioner shall furnish to the Investigating Officer/S.H.O. a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

16.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;

16.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and

16.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.



17. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
18. The petition stands disposed-of in the above terms.
19. Pending applications, if any, stands disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**APRIL 30, 2026/hb**