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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4291/2025**

RENU

.....Petitioner

Through: Mr. Sarthak Tomar, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP with Mr.
Abhimanyu Arya, Advocate.
ASI Chander Pal, Narcotics Squad.

+ **BAIL APPLN. 4326/2025**

SHIVAM

..... Petitioner

Through: Mr. Sarthak Tomar, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP with Mr.
Abhimanyu Arya, Advocate.
ASI Chander Pal, Narcotics Squad.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.04.2026

1. The applicants, who are husband and wife, have filed the present applications for anticipatory bail in connection with FIR No. 530/2025 dated 11.10.2025, registered at Police Station Mahender Park, District North-West, Delhi, under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [“the NDPS Act”].
2. I have heard Mr. Sarthak Tomar, learned counsel for the applicants, and Ms. Manjeet Arya, learned Additional Public Prosecutor for the State.



3. The prosecution has placed on record status reports in both the cases. Ms. Arya has also handed over a status report dated 12.03.2026 by the Assistant Commissioner of Police [“ACP”], which is taken on record in BAIL APPLN. 4326/2025.

4. The prosecution case concerns an alleged recovery of 17.71 grams of heroin/smack from one Neelam, who is the mother of the applicant in BAIL APPLN. 4326/2025 – Shivam. It is stated that, on the basis of secret information to the effect that Neelam sells heroin/smack in Jahangir Puri, Delhi, her house [House No. 1084, J-Block, Jahangir Puri, Delhi] was raided, and she was apprehended with 34 bundles containing a light pink coloured moist substance. Upon testing with the field-testing kit, it was revealed that the substance was heroin/smack. A sum of Rs.3,580/- was also recovered from her possession. The substance was seized, and the Forensic Science Laboratory test report revealed that it tested positive for heroin/smack.

5. As far as the present applicants are concerned, the case against them is based upon a disclosure statement of Neelam, identifying them [being her son and daughter in law] as her associates, and stating that she deals in heroin supplied by Anita and Shanti, whose address is known only to Shivam. On the basis of the aforesaid disclosure statement, the Investigating Officer pasted notices under Section 67 of the NDPS Act at the house of the present applicants, but they did not join the investigation.

6. By order dated 11.11.2025 in BAIL APPLN. 4291/2025, the applicant – Renu was granted interim protection, subject to cooperating in the investigation. In the case of Shivam also, interim protection was granted, on a similar condition, by order dated 18.02.2026 in BAIL



APPLN. 4326/2025, noting as follows:

“4. Mr. Tomar further submits that, although in the status report, the Investigating Officer [“IO”], claims to require custodial interrogation of the applicant to determine the whereabouts of Anita and Shanti, the home address of Shanti was already known to the IO prior to filing of the status report. In this regard, he has handed up two notices under Section 67 of the NDPS Act, issued by the IO to Shanti on 06.12.2025 and 08.12.2025. The same are taken on record.

5. It appears from the above that the IO already had the address of one of the two persons [alleged source of contraband], for which purpose the present application was sought to be opposed. Having regard to the above, and to the fact that no recovery has been made from the applicant, the main accused from whom the recovery was effected is already on regular bail, and a chargesheet has been filed against her, it is directed that, subject to the applicant joining investigation on 23.02.2026 at 4:00 PM, and thereafter as and when required by the IO, the applicant will not be arrested in connection with the subject FIR until the next date of hearing.”

7. In support of the present applications, Mr. Tomar submits that the applicants have both been implicated only on the basis of the disclosure statement of co-accused Neelam, which is not supported by any recovery from them or any other corroborative material. He submits that the recovery was of an intermediate quantity, which does not attract the provisions of Section 37 of the NDPS Act. Further, Mr. Tomar contends that both the applicants have joined the investigation and have cooperated, and the allegation of non-cooperation is founded only upon their refusal to make self-incriminatory statements.

8. Ms. Arya, on the other hand, submits that co-accused Neelam, who is the mother of Shivam, has herself disclosed the names of her son and daughter-in-law as her associates in dealing with heroin/smack. According to her, the custodial interrogation of the applicants is required to trace the source of the recovered contraband. Although she accepts that



both the applicants have joined the investigation, pursuant to orders of this Court, she submits that Renu was earlier non-cooperative as recorded in the order dated 15.04.2026, and Shivam has thereafter denied association with Shanti, who is the alleged supplier of heroin/smack to Neelam. Ms.Arya submits that Shanti, in her disclosure statement, has stated that she is the maternal aunt of Renu, and is on visiting terms at the home of Neelam, Shivam, and Renu.

9. It may first be noted that the present case concerns an intermediate quantity of contraband. The range of intermediate quantity, in the case of heroin, is from 5 grams to 250 grams, and the recovery in the present case was 17.71 grams. The rigours of Section 37 of the NDPS Act, therefore, do not apply to the present case. Further, there was no recovery from the applicants. They are sought to be implicated only on the basis of the disclosure statement of co-accused Neelam, in support of which the prosecution has not, at this stage, found any corroborative material.

10. Both the applicants have been protected by interim orders of this Court, and there is no dispute that they have joined the investigation.

11. As far as the allegation of non-cooperation is concerned, it was noted in the order dated 15.04.2026 that Renu had failed to answer the questionnaire posed to her, but it was stated that Shivam had answered the questionnaire of the Investigating Officer [“IO”]. Ms. Arya states that, in the course of further investigation, Renu has since answered the questionnaire. It is also stated that Renu is at an advanced stage of pregnancy.

12. As far as Shivam is concerned, as noted above, he has answered the questionnaire. The allegation now made, however, is that he has not



disclosed the full facts to the IO, inasmuch as he denied any knowledge of Shanti, despite the fact that Shanti is, according to her disclosure statement, the sister of his mother-in-law, and is also known to him. It is also submitted that he has not handed over the telephone, which according to the prosecution, he was earlier using.

13. As far as the identity of the alleged source of contraband, viz. Shanti, is concerned, the prosecution case lacks clarity. In the status report dated 08.01.2026, filed in BAIL APPLN. 4326/2025, it was recorded as follows:

“11. During investigation main accused Neelam disclosed that Renu & Shivam are her associate and the home address of main source Anita and Shanti of the contraband is only known to her son Shivam.”

[Emphasis supplied.]

14. By order dated 18.02.2026, extracted above, it was noted that Shanti had, in fact, already been interrogated by the IO, and an updated status report was, therefore, sought from the ACP. The ACP filed a status report dated 12.03.2026, in which paragraph 18 reads as follows:

“18. It is submitted before the Hon’ble court that the Shanti who was interrogated in above case was just the relative of the accused Neelam and not the potential source of the contraband recovered. The investigation regarding the potential source of contraband is still going on in the above case as was mentioned in the previous status report at para No.11.”

[Emphasis supplied.]

15. The submissions made today, to the effect that the source of contraband is the same Shanti, who is a relative of the accused, is apparently contradictory to the aforesaid status report filed by the ACP. I am not inclined to uphold the allegation of non-cooperation against Shivam, on this basis.



16. With regard to handing over of the earlier telephone used by Shivam, it is now settled that the accused cannot be compelled to make self-incriminatory statements, and failure to do so cannot be construed as lack of cooperation with the investigating agency. Reference in this connection can be made to the judgments of the Supreme Court *inter alia* in *Bijender v. State of Haryana* [SLP (CRL.) 1079/2024, decided on 06.03.2024], and *Hemant Kumar v. State of Haryana* [SLP (CRL.) 232/2024, decided on 06.03.2024].

17. There are no allegations of any prior criminal antecedents on the part of either of the applicants.

18. Having regard to the aforesaid facts, and particularly to the fact that the case concerns recovery of 17.71 grams of heroin, which is far less than the commercial quantity, and that no recovery was affected from the present applicants, it is directed that, in the event of arrest in connection with FIR No. 530/2025 dated 11.10.2025, registered at Police Station Mahender Park, District North-West, Delhi, under Sections 21 and 25 of the NDPS Act, the applicants will be released on bail, subject to furnishing a personal bond in the sum of Rs. 25,000/- each, and one surety each in the like amount, to the satisfaction of the concerned IO/Station House Officer [“SHO”], and subject to the following further conditions:

- a. The applicants will join investigation as and when required by the IO, and will cooperate in the investigation.
- b. The applicants shall furnish their mobile numbers to the concerned IO/SHO, and shall ensure that the said mobile numbers remain operational and switched on at all times. The mobile numbers shall



not be changed, nor shall the phones be switched off, without prior intimation to the IO/SHO.

- c. The applicants shall furnish their residential address to the concerned IO/SHO, and shall not change the addresses without prior intimation to the IO/SHO.
 - d. The applicants will report to the jurisdictional Police Station once a week on every Monday at 4:00 PM, and will be released within one hour after completion of all formalities.
 - e. The applicants shall not offer any inducement, threat, or promise to any persons acquainted with the facts of the case.
 - f. The applicants shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings.
 - g. The applicants shall not commit any offence during the pendency of the proceedings.
19. The bail applications are disposed of.
20. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

APRIL 30, 2026
SS/KA/