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

+ **BAIL APPLN. 4568/2025, CRL.M.A. 35261/2025**

KORAISHI BIBI

.....Applicant

Through: Mr. Saurabh Kumar, Ms. Neelam
Yadav and Mr. K.V. Singh,
Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma, Ms. Sakshi Jha,
Advocates and SI Deep Sharma,
PS-NDRS.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **15.04.2026**

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant namely Koraishi Bibi seeks grant of regular bail in proceedings arising out of FIR No.64/2024 dated 27.08.2024 registered at PS: New Delhi Railway Station under *Sections 15/61/85* of Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**).

2. *Briefly stated*, as per prosecution, on 27.08.2024, ASI Satish Rathi, who was present at bus parking area, New Delhi Railway Station, intercepted the present applicant and two co-accused persons namely, Amir Hasan and Tofique Alam, on suspicion. Upon checking the bags of the accused persons, the contraband namely 'poppy straw' was recovered.



Pursuant thereto, information in this regard was conveyed to the Police Station, New Delhi Railway Station. Upon receipt thereof, SI Vidyakar Pathak reached the spot, where the applicant and the co-accused were produced along with six bags containing the contraband. From the present applicant, a total of 20.2 kg of '*poppy straw*' was recovered whereas 19.838 kg and 32.57 kg were recovered from other two accused respectively. Thereafter, on the statement of ASI Satish Rathi, the present FIR came to be registered.

3. During the course of investigation, the said two co-accused were arrested on 27.08.2024. A mobile phone was recovered from each of them, as also a train ticket of New Delhi Garib Rath Express bearing PNR No.6340692186 issued in the name of the applicant and other two accused persons was also recovered. Subsequently, the mobile phone of the applicant was seized after her arrest on 28.08.2024. There existed CDR connectivity between all three accused persons.

4. In these facts, learned counsel for the applicant praying for release of the applicant on regular bail submits that **[i]** the applicant is a 70 year old lady, having clean antecedents, who has been falsely implicated in the present case; **[ii]** the alleged recovery attributable to the applicant is only 20.2 kg of '*poppy straw*', which is non-commercial quantity, and therefore the rigours of *Section 37* of the NDPS Act are not attracted; **[iii]** the applicant cannot be held responsible for the quantity allegedly recovered from co-accused person; **[iv]** there is non-compliance of *Section 50* of the NDPS Act; **[v]** despite the alleged recovery having been effected from a crowded public place, there is no independent witness nor any CCTV footage, which casts doubt on the recovery; **[vi]** the applicant is in custody



since 28.08.2024 and investigation stands concluded with chargesheet having been filed; and lastly **[vii]** there are as many as *twenty one* prosecution witnesses and thus, it is very likely that conclusion of trial will take time.

5. *Per contra*, learned ASC for the State, at the outset has handed over copy of the order dated 06.03.2026 passed by the learned Special Judge, NDPS, Central, THC, Delhi (***learned Trial Court***), whereby charges have been framed against the applicant and the other co-accused persons under *Sections 15(c) & 29 r/w Section 15(c)* of the NDPS Act, which is taken on record. Relying upon the Status Report, he opposes the present bail application and submits that since recovery of commercial quantity is involved, rigours of *Section 37* of the NDPS Act are attracted against the applicant.

6. Heard learned counsel for the parties.

7. A perusal of the record reveals that though the quantity of the contraband recovered from the present applicant falls within the intermediate range, however, since she was travelling along with the co-accused persons under the same PNR number, and the CDR analysis reflect telephonic connectivity *inter se* her and the other accused persons, it *prima facie* suggests her active involvement.

8. In fact, order dated 06.03.2026 passed by the learned Trial Court reflects that all the accused persons, including the applicant herein, have also been charged under *Section 29* of the NDPS Act.

9. In these circumstances, as repeatedly held by the Co-ordinate Benches of this Court in ***Awadhesh Yadav v. State : 2023 SCC OnLine Del 7732*** and ***State v. Akash : 2025:DHC:10683***, the recoveries effected



from each of the co-accused persons are liable to be considered collectively as a singular recovery. Thus, the total quantity herein falls under the '*commercial quantity*', thereby attracting the twin conditions as engrafted under *Section 37* of the NDPS Act, which are not satisfied in the aforesaid facts and circumstances so as to allow the present bail application.

10. Insofar as the non-compliance of *Section 50* of the NDPS Act is concerned, a perusal of record shows that the applicant was informed about her rights under the said section but she declined the same and thus, her search was conducted by a woman constable, thereby showing *prima facie* compliance of *Section 50* of NDPS Act. In any event, whether or not there has been substantial compliance of the same is a matter of trial. Reference in this connection can be made to ***Chandubha Jadeja Vs. State of Gujarat : (2011) 1 SCC 609***.

11. Similarly, the contention qua non-joining of independent witnesses and absence of CCTV footage, are also a matter for trial and cannot be a ground to release the applicant on bail, much less whence commercial quantity is involved.

12. *Ergo*, in view of the aforesaid discussions, the present application is dismissed.

13. Needless to say, the expression of opinion herein, if any, will have no bearing on the overall merits/ trial involved later.

SAURABH BANERJEE, J

APRIL 15, 2026/NA