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

+ **BAIL APPLN. 13/2026 & CRL.M.A. 212/2026**

PINKI SULTANA

.....Petitioner

Through: Mr. L.N. Rao, Mr. Sandeep Rohilla
and Ms. Bipasha, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
SI Mohit Kumar, DIU/SE

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

12.02.2026

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1. Applicant seeks regular bail in case FIR No. 369/2024, registered at Police Station Kamla Market for commission of offences under Section 20/29 of *Narcotic Drugs and Psychotropic Substances Act, 1985*.
2. Admittedly, applicant was found in conscious possession of 9.47 kgs of *ganja*, which is intermediary quantity.
3. As per the case of prosecution, on 12.09.2024, some police officials, who were on patrolling duty, reached Bhavbhuti Marg New Delhi Railway Bus Stand, where they saw applicant and one more person. They both became perplexed on noticing the police party. They were carrying one trolley bag each and, on the basis of suspicion, those bags were checked and that is how aforesaid quantity of *ganja* was recovered from the possession of present applicant. The other person i.e. Swapan Ray was found in possession of 11.178 kgs of *ganja* and thus, according to prosecution, the total quantity of *ganja* was found to be 20.648 kgs, which makes it to be case of commercial quantity.
4. Fact remains that charge-sheet has already been filed and charges have been ascertained and case is at the stage of Prosecution Evidence.
5. Learned counsel for applicant has relied upon *Meena vs. State of NCT of*

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Delhi: 2025 SCC OnLine Del 5247, Anita Vs. State (NCTD of Delhi: 2022 SCC OnLine Del 5130, Anita @ Kallo Vs. State (NCT of Delhi): 2023 SCC OnLine Del 4178, Smt. Sachala Nayak vs. State of NCT of Delhi, Bail Application No. 3351/2021 (DoD: 30.09.2021), Mohd. Farman vs. State Govt. of NCT of Delhi: 2023 SCC OnLine Del 5451 and has submitted that, even if it is assumed that applicant and Swapan Ray were travelling together, in the peculiar facts and circumstances of the case, the separate recovery could not have been clubbed together, so as to make it a case of commercial quantity. Since, they have already been charged for offences under Section 20/29 of *Narcotic Drugs and Psychotropic Substances Act, 1985*, it will be for the learned Trial Court to appreciate the aforesaid fact, at appropriate stage.

6. Fact remains that applicant is in custody since the date of her arrest i.e. 12.09.2024 and there is no likelihood of completion of trial in near future as not a single witness has been examined so far.

7. Moreover, the Court also cannot be oblivious of the fact that applicant is a lady, with no previous involvement.

8. Learned counsel for applicant further relies upon *Rabi Prakash v. State of Odisha: 2023 SCC OnLine SC 1009, Mohd. Muslim v. State (NCT of Delhi), 2023 SCC OnLine SC 352, Man Mandal & Anr. vs. The State of West Bengal, 2023 SCC OnLine SC, Dheerai Kumar Shukla v. State of U.P., 2023 SCC OnLine SC 918, Badsha Sk. V. State of W.B. 2023 SCC OnLine SC 1867, Zakir Hussain v. State (Govt. Of NCT of Delhi) 2025 SCC OnLine Del 253, and Vinay Sharma v. State (NCT of Delhi): 2025 SCC OnLine Del 5137* and submits that even if it is assumed to be a case of commercial quantity, when it comes to somebody's life and liberty, Article 21 of the Constitution of India should give way to technicalities as mentioned under Section 37 of *Narcotic Drugs and Psychotropic Substances Act, 1985* and the liberty must override the statutory



embargo created under Section 37 of the NDPS Act.

9. Keeping in mind overall facts and circumstances of the case and without expressing any opinion over the merits of the case, application is admitted to bail on his furnishing personal bond and surety bond in a sum of Rs. 25,000/- each subject to the satisfaction of concerned Trial Court/Chief Judicial Magistrate/Duty Judicial Magistrate First Class with following conditions: -

(i) Surety shall be local.

(ii) Applicant shall not try to contact any witness, directly or indirectly.

(iii) Applicant shall furnish a mobile number to concerned IO on which she can be contacted, if required. Such number shall remain operational and functional.

(iv) Residential address of the applicant shall be got verified, before releasing her on bail.

10. Application stands disposed of in aforesaid terms.

11. Pending application also stands disposed of in aforesaid terms.

12. A copy of this Order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

FEBRUARY 12, 2026/dr/pb