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

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Date of Decision: 13.10.2026# **CNR No. DLHC010495692026**+ **BAIL APPLN. 4360/2026, CrI.M.A.32306/2026**

SALEEM

.....Petitioner

Through: Mr. M. Rehman, Mohd. Nadeem and
Ms. Shaheen, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
along with Ms. Swati, Adv.
SI Daya Ram Meena, PS Narela,
Delhi.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The applicant seeks regular bail in FIR No.393/2026 dated 26.06.2026, registered at P.S. Narela, District Outer North, Delhi. The said FIR has been registered under Section 15 and 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').
2. It is the case of the prosecution that on 26.06.2026, at about 07.00 PM, two constables patrolling near the cremation ground on Saboli road noticed two men on a motorcycle who turned away on seeing them. They were stopped by the Constables and it was noticed that they had a white transparent bag between them. The two men were, the applicant (aged about 26 years) of Village Baliya, District Bareilly, Uttar Pradesh, and a co-accused. The applicant was driving the motorcycle.



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3. A notice under Section 50 of the NDPS Act was served on both the accused persons.
4. The white transparent bag was found to be containing Poppy Husk/ Doda Chura Post (Poppy straw) weighing 5.140 kgs (including the bag). The same is an intermediate quantity. Charge-sheet has been filed against the applicant and the co-accused. There is no other pending case against the applicant.
5. Considering that the commercial quantity of the concerned substance viz. Poppy straw is 50 kgs and the recovery herein is only 5.140 kgs, the rigours of Section 37 of the NDPS Act are not attracted. The following factors weigh in favour of granting bail to the petitioner:
 - (i) The investigation *qua* the applicant is complete, charge-sheet having been filed on 22.08.2026.
 - (ii) The quantity recovered is intermediate and is well below the commercial threshold.
 - (iii) The witnesses are all police officials. There is no apprehension or risk of the applicant influencing independent private witnesses if released on bail.
 - (iv) There is no other case against the applicant.
6. Reference in this regard may be had to the judgment of a coordinate Bench of this Court in ***Deepak vs. State (Govt. of NCT of Delhi) 2025 SCC OnLine Del 9027***, wherein this Court in a similar situation of recovery of an intermediate quantity of Poppy Husk from the accused, has observed as follows:-



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5. The alleged recovery made from the applicants is of intermediate quantity. Undoubtedly, the accused cannot be admitted on bail solely for the reason that the commercial quantity of contraband was not recovered. The application would still have to be considered on its own merits, *albeit* without the bar of Section 37 of the NDPS Act.

6. It is informed that the applicants are of clean antecedents, though it is claimed by the State that father of applicant Arjun was earlier involved in another similar case.

7. Investigation is already complete and the chargesheet has also been filed. It is also not disputed that no independent witnesses joined the investigation. Certain other grounds have been raised by the applicants such as delay in filing an application under Section 52A of the NDPS Act and that the sample was sent to FSL belatedly after 24 days.

8. This Court, however, does not consider it apposite to adjudicate on the said aspects. The same is a matter of trial. At this stage, undisputedly since the allegations are not in regard to the recovery of commercial quantity of contraband, bar of Section 37 of the NDPS Act is not applicable. As noted above, the investigation has already been completed.

9. In the opinion of this Court, the applicants' judicial custody is no longer required. The defence and the allegations would be subject matter of trial and cannot be commented upon at this stage.

10. The applicants are, therefore, directed to be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- each with two sureties of the like amount each, subject to the satisfaction of the learned Trial Court/Duty MM/Link MM, on the following conditions:

7. The reasoning in the aforesaid judgment squarely applies to the present case as well.

8. The applicant is accordingly, admitted to regular bail in FIR No. 393/2026 on furnishing of a personal bond of Rs.25,000/-, with one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions:

- i. The applicant/accused shall not leave NCT of Delhi or travel out of the country without prior permission of the Trial Court;
- ii. The applicant/accused shall provide his permanent address to the Trial Court, and also the address where he will be residing during the pendency of the case;



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- iii. The applicant/accused shall intimate the Investigating Officer (IO) and file an affidavit before the Trial Court regarding any change in his residential address;
- iv. The applicant/accused shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;
- v. The applicant/accused shall not directly or indirectly contact the complainant/victim, any prosecution witness, and their family members;
- vi. The applicant/accused shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;
- vii. The applicant/accused shall appear before the Trial Court on each and every date of hearing;
- viii. The applicant/accused shall not indulge in any criminal activity during the period of bail; and
- ix. The applicant/accused shall report to the concerned SHO, on the first Monday of every month at 11:00 a.m. and be discharged by 12:00 noon, after recording his presence and completion of the necessary formalities. Additionally, the applicants/accused shall report to the IO as and when called for by the IO.



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9. If any of these conditions is breached, it shall be open for the State to seek cancellation of bail.
10. The petition is disposed of in the above terms. The pending application also stands disposed of.
11. The Trial Court is requested to expedite the trial proceedings to the extent feasible.
12. It is clarified that the observations made herein are solely for the purpose of deciding the present bail application and shall neither influence the trial proceedings nor be construed as an expression of opinion of this Court on the merits of the case.
13. Let a copy of this order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

SACHIN DATTA, J

OCTOBER 13, 2026/cl