



2026:DHC:1360



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

Reserved on: February 09, 2026

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Pronounced on: February 17, 2026

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BAIL APPLN. 3173/2025, CRL.M.A. 24583/2025

TASLIMA ALIAS PUTTI

..... Applicant

Through: Mr. Suraj Prakash Sharma, Adv.

Versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Advocate and SI Kartar Singh Rawat, PS.: Anti-Narcotics Cell.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in proceedings arising from FIR No.444/2024 dated 04.06.2024 registered at PS.: Bhalswa Dairy, Delhi under *Sections 21/25/29* of the Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**).

2. As per FIR, on 04.06.2024 at about 05:00 AM, secret information was received that one Taslima @ Putti, R/o D-1 Block, JJ Colony, Bhalswa Dairy, Delhi, was engaged in supply of heroin in bulk and would leave her residence between 07:00 AM to 08:00 AM on the same day to deliver heroin to a customer. Procedure under *Section 42* of the NDPS Act was followed, and a raiding team was sent. At about 07:00 AM, the secret informer identified her as Taslima/ applicant, who, upon noticing the police, attempted



to retreat but was apprehended by a lady Head Constable. Upon receipt of Notice under *Section 50* of the NDPS Act and being informed of her legal rights, the applicant only consented to be searched by the police party.

3. In search from the black polythene bag held by the accused, a transparent waxy packet containing light brown powder was recovered, the field-testing confirmed it to be '*Heroin*', weighing 400 grams including the packing. The same was sealed with the seal of "SM," marked as MARK-A, and seized *vide* seizure memo in accordance with law. A search of the house of the applicant led to no recovery. After she was brought to the Narcotics Cell office, a written complaint was prepared, which led to the registration of the present FIR at PS.: Bhalswa Dairy.

4. Though the applicant has raised various grounds, however, Mr. Suraj Prakash Sharma, learned counsel for the applicant submitted that the FSL report unequivocally establishes that the substance marked as MARK-A, allegedly recovered from the applicant, clearly states that it contains '*Monoacetylmorphine*', '*Acetaminophen*', '*Codeine*', '*Morphine*', '*Acetylcodeine*', '*Trimethoprim*', and '*Alprazolam*', which composition falls within the category of *degraded* heroin and does not indicate the presence of '*Diacetylmorphine*' therein, the essential chemical constituent required for the substance to be classified as '*Heroin*' under the NDPS Act. Therefore, there is a material contradiction between the field-testing result and the FSL report as the same does not support the presence of the essential constituent



thereof. Relying upon *Aditya Kumar vs. Union of India*¹ and *Dharmender vs. The State*², the learned counsel submitted that a substance of such composition, in the absence of ‘*Diacetylmorphine*’, is not classified as *heroin* under the NDPS Act.

5. Lastly, Mr. Sharma, learned counsel submitted that the applicant has been in judicial custody since the date of her arrest, i.e., 04.06.2024, and has undergone more than one year and eight months of incarceration as on date. Her continued incarceration would not serve any purpose as the investigation completed and chargesheet was filed way back on 26.11.2024. Though, the prosecution has cited as many as 22 witnesses, and not a single witness has been examined till date, and arguments on charges are yet to be addressed, the trial is not likely to conclude soon.

6. In light aforesaid, Mr. Sharma, learned counsel urged for allowing the present bail application and release of the applicant on bail.

7. Notice was issued and Status Report was called for as also the Nominal roll was also requisitioned from the concerned Jail Authorities.

8. *Per contra*, Mr. Satish Kumar, learned APP for the State opposes the present application and submitted that since the offence involves recovery of 400 grams of ‘*Heroin*’, a ‘*commercial quantity*’ under the NDPS Act, the embargo of *Section 37* of the NDPS Act finds applicability, the applicant may not be released on bail. Further, relying upon the decision of the Hon’ble

¹ (2022) 11 ILRA 1288

² BAIL APPLN. 3576/2020: order dated 23.12.2020



Supreme Court in *Hira Singh vs. Union of India*³, the learned APP submitted that, though the FSL report of the samples drawn from the recovered substance does not indicate the presence of ‘*Diacetylmorphine*’, a requisite for the substance to be classified as ‘*Heroin*’ under the NDPS Act, however, the presence of ‘*Morphine*’ amongst other chemicals, would still attract the embargo of *Section 37* of the NDPS Act, since the notified commercial quantity of ‘*Morphine*’ is 250 grams.

9. Lastly, Mr. Kumar, learned APP submitted that the gravity of the offence, the seriousness of the allegations levelled against the applicant as also the applicant is a person with criminal antecedents since she is involved in two cases under the Delhi Excise Act, 2009, thereby demonstrating that she is a habitual offender. In these circumstances, there exists a strong and reasonable apprehension that, if released on bail, she is likely to indulge in similar unlawful activities and misuse the liberty so granted.

10. In light of the aforesaid, Mr. Satish Kumar, learned APP sought dismissal of the present bail application.

11. This Court has heard Mr. Suraj Prakash Sharma counsel for the applicant and Mr. Satish Kumar learned APP for the State as also perused the Status Report and the other documents on record.

12. The FSL report dated 19.09.2025 of the recovered contraband, which was conducted after the results of the field-testing report, states as under:-

“... ..Kindly refer to letter 379 and 380/ Inspector/ Narcotics Cell/ OND dated 21/08/2025, on the subject cited above. The

³ (2020) 20 SCC 272



following clarification is enclosed:

1. *The exhibits did not contain Diacetylmorphine, commonly known as Heroin.*
2. *The presence of Monoacetylmorphine (ester of Morphine), Acetylcodeine (ester of Codeine) is generally attributable to hydrolysis of crude Heroin.*
3. *As per NDPS Act, 'esters' of the drugs listed in the Act (Morphine and Codeine) also are punishable. ... ”*

13. As per above, though the preliminary field testing of the alleged contraband said the recovered substance was '*Heroin*', however, the latter FSL report conclusively indicated absence of '*Diacetylmorphine*', which is a requisite for the substance to be classified as '*Heroin*' under the NDPS Act. Moreover, even the FIR states “...*When the SI checked the powder like substance found in the waxy bag with the field testing kit, it was found to be Heroin. ...*”. The said position is not disputed by the prosecution. Based thereon, there is a more than *prima facie* doubt raised, more so, since it goes into the root of the matter and is regarding the very foundation of the prosecution's case. That, involving the period of incarceration, the investigation being already over and chargesheet having been filed almost *fifteen months* prior, and the evidence yet having not commenced coupled with the fact that the trial is likely to take time, and the rigors of *Section 37* of the NDPS Act also hanging in doubt, are grounds for furnishing bail to the applicant at this stage.

14. The aforesaid outweigh the involvement/ pendency of the applicant in two cases under the Delhi Excise Act, 2009 at this stage. In ***Prabhakar***



*Tiwari vs. State of Uttar Pradesh*⁴, the Hon'ble Supreme Court has also held that by and large the nature of offences/ charges involved being grave and serious and/ or pendency of other/ several criminal cases against an accused are/ cannot be the only basis for rejection of bail to an accused and the Court has to take a holistic view of the facts and circumstances.

15. Accordingly, the present application is allowed and the applicant be released on regular bail in FIR No.444/2024 dated 04.06.2024 registered at PS.: Bhalswa Dairy, Delhi under *Sections 21/25/29* of the NDPS Act, upon her furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand*] along with one surety of the like amount by family member/ friend having no criminal case pending against them, subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If she wishes to change her residential address, she shall immediately intimate about the same to the Jail Superintendent by way of an affidavit.
- ii. Applicant shall surrender her passport to the IO, within three days. If she does not possess the same, she shall file an affidavit before the Investigating Officer to that effect within the stipulated time.
- iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.

⁴ (2020) 11 SCC 648



- iv. Applicant shall join investigation as and when called by the Investigating Officer concerned. She shall not obstruct or hamper with the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.
 - v. Applicant shall provide all her mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not be switch off or change the mobile number without prior intimation to the IO concerned. Mobile location be kept on at all times.
 - vi. Applicant shall report to the IO at PS.: Bhalswa Dairy, Delhi once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
 - vii. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case or try to dissuade them from disclosing such facts to the Court or to any police official.
16. Accordingly, the present application is disposed of in the above terms.
17. Needless to say, observations made on the merits of the matter, if any, are only for the purposes of deciding the present application and shall not be construed as expressions on merits of the matter.
18. Copy of the present order be sent to the concerned Jail Superintendent for onward information and necessary compliance thereof.

SAURABH BANERJEE, J

FEBRUARY 17, 2026/bh/DA