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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 07th October, 2026**# **CNR No. DLHC010277922026**+ **BAIL APPLN. 2472/2026, CRL.M.A. 31049/2026 & CRL.M.A. 31050/2026****MUKESH RANI**

.....Petitioner

Through: Mr. Suresh Prasad and Mr. Kumar
Murlidhar, Advs.
M: 9899771058

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Arun Khatri, SSC with Ms. Zeenat
Malick, SPP and Mr. Paramjeet Singh,
Adv.

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present bail application has been filed under Section 483 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking Regular Bail on behalf of the petitioner, i.e., Smt. Mukesh Rani D/o Jaipal, in proceedings arising out of *Crime No. VIII/19/DZU/2026*, booked by Narcotics Control Bureau ("NCB"), RK Puram, Delhi, under Sections 8(C)/20(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act").
2. As per the documents on record, the facts emerge as follows:
 - 2.1. On the basis of secret information, a raiding team was constituted under the supervision of the competent officer on 21st May, 2026, by the NCB. The



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said raiding team reached *Terminal-3, IGI Airport, New Delhi*, where the officials of Bureau of Immigration (“BoI”) had identified two suspected female passengers, namely, Smt. Mukesh Rani, i.e., petitioner herein and Smt. Sukhwinder Kaur, i.e., co-accused, who had arrived from Bangkok, Thailand, to Delhi by Indigo Flight bearing no. *6E-1064*.

2.2. The said two persons, i.e., the petitioner and co-accused, had already been detained by the officials of the BoI at the Arrival Hall, *Terminal – 3, IGI Airport, New Delhi*.

2.3. After due procedure, search and seizure proceedings were conducted on 22nd May, 2026, at 12:40 AM. On checking the black coloured backpack bag of petitioner herein, one transparent polythene packet containing green dried contraband substance was recovered, which, on testing with the Drug Detection Kit (“DD Kit”), gave positive result for *Marijuana/Ganja*. The said contraband recovered from the backpack of the petitioner was weighed at 986 grams.

2.4. Similarly, from the backpack of the co-accused, 990 grams of the same contraband was recovered. Thus, the total recovery from both the accused persons, who had travelled together from abroad and also intercepted together, was 1.976 kilograms of *Marijuana/Ganja*, which falls under intermediate quantity of the said contraband under the NDPS Act. Both accused persons were arrested on 22nd May, 2025.

3. The Sessions Case, being *SC 277/2026*, in respect of the crime in question is pending before the Special Exclusive Court of Additional Sessions Judge (“ASJ”) NDPS Act, Special Judge – 10, Rouse Avenue Courts, New Delhi, Delhi.

4. This Court is informed that the petitioner has been in custody since 22nd



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May, 2026. It is submitted that there are only two accused in the present case and the co-accused has already been granted bail in the present case.

5. The latest Nominal Roll dated 18th September, 2026, furnished by the Jail Authorities, shows that the petitioner has been in custody since 22nd May, 2026, i.e., for a period of 03 months 27 days, as on 18th September, 2026. Accordingly, presently, the petitioner has been in custody for a period of approximately 04 months.

6. It is the case on behalf of the petitioner that while searching for employment opportunities abroad, she came into contact with the co-accused, who represented herself to be involved in visa facilitation and overseas employment services.

7. Learned counsel appearing for the petitioner submits that the co-accused assured the petitioner that the co-accused shall assist the petitioner in obtaining visa and a suitable employment in Bangkok, Thailand.

8. He submits that the petitioner, upon the assurance of the co-accused, travelled from New Delhi to Bangkok, Thailand, for exploring employment opportunities and improving her financial condition.

9. He further submits that failing to find suitable employment, the petitioner informed the co-accused that she wanted to return back to India. The co-accused had arranged for her tickets, however, before departure, a person known to the co-accused had handed over a bag, representing it to contain his personal belongings, which was to be collected by his family members upon arrival. The petitioner had initially refused to carry the said bag, but due to persistent assurances by the co-accused, she conceded to carry the same.

10. He, thus, submits that the petitioner is herself a victim of circumstances



and deception, and the co-accused has taken advantage of the petitioner's financial condition and desire to obtain employment abroad.

11. Learned counsel appearing for the petitioner submits that co-accused, i.e., Smt. Sukhwinder Kaur, has already been granted bail by the Trial Court *vide* order dated 25th September, 2026. He, thus, seeks parity in grant of bail to the petitioner.

12. He further submits that on the earlier occasion when bail of the petitioner herein was dismissed, the investigation in the crime in question was still going on.

13. *Per contra*, learned counsel appearing for the respondent, i.e., NCB, vehemently opposes the present bail application. He submits that even if the petitioner wishes to seek parity, she ought to approach the Trial Court, in regard thereto.

14. He further submits that, though only 986 grams of the contraband was recovered from the petitioner, if the same is counted along with 990 grams of that recovered from the co-accused, the said quantity falls under the prescribed limits of intermediate quantity as enumerated in the NDPS Act.

15. Learned counsel appearing for the NCB further submits that the present crime in question is not the first offence of the petitioner.

16. Learned counsel appearing for the NCB has handed over a copy of a Status Report dated 20th September, 2026, which is taken on record.

17. The case of the respondent-NCB, as emerging out of the said Status Report, is as follows:

17.1. Both the accused persons were acting in concert and the contraband carried by them is connected to the same source/supplier.

17.2. The investigation has further revealed their previous joint travel,



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coordinated movement/stay, and WhatsApp/electronic communications, indicating their association and concerted conduct.

17.3. The material relied upon by the NCB indicates the petitioner's previous involvement in similar activity, including an earlier foreign trip during which she allegedly carried a substance from Dubai to India, and delivered it to Kolkata Airport.

17.4. In view thereof, the role attributed to the petitioner is not that of an innocent passenger or a mere carrier, but that of a participant in the coordinated transportation of narcotic substances forming part of a larger trafficking arrangement.

17.5. The investigation in the present crime in question is complete and a Chargesheet has been filed before the Trial Court.

17.6. The Trial Court in order dated 09th June, 2026, has specifically taken note of the previous joint travel, passport records, WhatsApp chats/electronic material, coordinated travel and stay, as well as allegations regarding their similar previous activity *qua* the two accused persons.

17.7. The recovery of contraband from the petitioner cannot be viewed in complete isolation, and the Trial Court has correctly observed that the surrounding circumstances disclose *prima facie* conspiracy, abetment, common design or coordinated conduct. Furthermore, mere separate seizure memos and bags do not preclude the Court from considering the recoveries together.

17.8. The petitioner, therefore, cannot be allowed to artificially fragment a single connected transaction into two purportedly independent recoveries. The Trial Court, after viewing the surrounding incriminating circumstances, rightly found that the quantities could be considered together for the purpose



of assessing the nature and gravity of allegations.

17.9. The investigation is also not merely formal or complete in substance. The role of the common supplier, handlers, and persons, who had arranged the travel and expenses, intended recipients and other members of the trafficking chain remain material to the investigation. The Trial Court has specifically noticed that the aforesaid aspects of investigation are pending.

17.10. The petitioner has failed to demonstrate any substantial change in circumstances or any ground warranting interference in the Trial Court's order dated 09th June, 2026, whereby, the earlier bail application by the petitioner herein was dismissed.

17.11. The mere fact that the petitioner has no previous antecedents or that she seeks to explain her presence by referring to employment/personal circumstances, cannot, in the facts of the present case, eclipse the incriminating material collected during investigation.

18. Having heard learned counsels appearing for the parties, this Court notes the submission made before this Court that the investigation in the present matter is complete and Chargesheet has already been filed.

19. This Court is informed that there are two accused persons and ten witnesses, who are yet to be examined.

20. This Court notes that the co-accused, namely, Smt. Sukhwinder Kaur, has already been enlarged on bail. This Court further notes that the earlier bail application of the petitioner herein was dismissed by the Trial Court *vide* order dated 09th June, 2026, with the observations that the investigation was at an early stage and role of other persons was still to be ascertained. Therefore, there was apprehension that the petitioner may influence the course of investigation, contact other persons involved in the case, or hamper collection



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of further evidence. However, it is to be noted that the investigation is now complete and the Chargesheet also stands filed.

21. The trial may take a long time as there are 10 witnesses, who are to be examined in the case.

22. The quantity of contraband recovered from the petitioner, even if counted along with the co-accused, is not a commercial quantity.

23. Therefore, taking into account the totality of the facts and circumstances of the present case, this Court is of the view that the petitioner has made out a case for bail.

24. Accordingly, considering the overall conspectus of the facts and circumstances of the present case, this Court considers the present to be a fit case for grant of bail. It is directed that the petitioner be released on Regular Bail in connection with *Crime No. VIII/19/DZU/2026*, booked by NCB, RK Puram, Delhi, under Sections 8(C)/20(b)/29 of the NDPS Act, subject to furnishing of a personal bond in the sum of Rs. 50,000/-, with one surety in the like amount, to the satisfaction of Trial Court/Duty Magistrate, subject to the following further conditions:

- a. The petitioner shall appear before the Trial Court on each and every date of hearing;
- b. The petitioner shall provide her permanent address to the concerned Investigating Officer ("IO"), and also the address where she is residing during the pendency of the case. The petitioner shall intimate the IO, and file an Affidavit before the Trial Court regarding any change in residential address;
- c. The petitioner shall provide her mobile number to the concerned IO/Station House Officer ("SHO"), which shall be kept in working



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condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;

- d. The petitioner shall report to the jurisdictional PS on every Monday at 09:00 AM, and shall be released, within two hours after completion of formalities;
 - e. The petitioner 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. The IO is directed to monitor the situation and, in the event of any complaint being made, to inquire into the same in accordance with law;
 - f. The petitioner shall not commit any offence during the period of his release.
25. The present bail application is allowed and accordingly disposed of in aforesaid terms.
26. It is clarified that any observations made in the present order 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 on the merits of the case.
27. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MINI PUSHKARNA, J

OCTOBER 7, 2026/KR



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