



2026:DHC:2769



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

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Date of Decision: 02.04.2026+ **BAIL APPLN. 305/2026**

DEEPAK ALIAS APPU

.....Petitioner

Through: Mr. Sachin Vats and Ms. Shefali
Sharma, Advocates.

versus

STATE (GOVT. NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Raj Kumar and SI Sohan
Thakur, Anti Narcotic Cell**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 500/2022 of PS Narela Industrial Area for offence under Section 21(c) NDPS Act.
2. I have heard learned counsel for accused/applicant as well as learned APP for State assisted by IO/SI Sohan Thakur.
3. Broadly speaking, according to prosecution case, from possession of the accused/applicant, 300 grams heroin was recovered and the accused/applicant being involved in six more cases, one of which is under the NDPS Act, the accused/applicant completely fails on both conditions stipulated under Section 37 NDPS Act. According to prosecution, on the



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basis of secret information, a raid was conducted at the premises of one Shanno from where 150 grams heroin was recovered; on the basis of interrogation of Shanno, the police party raided the premises jointly occupied by accused Seema and Meenu, from where 300 grams heroin was recovered; and on the basis of interrogation of Seema, the police party raided house of the present accused/applicant. Since the accused/applicant present inside his house refused to open door, the raiding team used iron grill cutter to cut open the door; the accused/applicant thereafter got recovered 300 grams heroin from underneath his bed.

4. Learned counsel for accused/applicant submits that so far as the other NDPS case is concerned, he has already been granted bail in that case. It is contended that since no photography or videography of the alleged raid was conducted, the accused/applicant deserves to be released on bail. Further, it is submitted by learned counsel that since co-accused Seema was granted bail by a co-ordinate bench of this court, the present accused/applicant also deserves the same relief. Learned counsel for accused/applicant also submits that earlier similar application of the accused/applicant was dismissed as withdrawn vide order dated 30.07.2025 with liberty to file afresh if the trial did not conclude within six months and since the same has not happened, he has filed the present application.

5. The application is opposed by State on the ground of bar under Section 37 NDPS Act. Learned APP for State submits that Seema was granted bail on account of being a lady and even otherwise, the heroin recovered from her premises was a case of joint recovery from Seema and



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Meenu. Learned APP for State also submits that unlike the present accused/applicant, the accused Seema did not have any adverse antecedents. It is submitted by learned APP for State that out of 21 prosecution witnesses, 07 have already been examined and there are only 03 witnesses related to recovery of the contraband from the present accused/applicant, and all those three witnesses will be examined within three months.

6. To begin with, one has to keep in mind that consequence of drug peddling is not just making the consumers ecstatic or 'high'. Drug peddling leads to generation of large scale black money used in international crimes, especially terrorism. That is one of the reasons for the legislature in enacting the special rigours under Section 37 NDPS Act which stipulates the twin conditions. Dilution of those twin conditions and treating commercial quantity drug peddling with soft gloves would have serious repercussions on security of State as well as overall economy.

7. Of course, liberty of an individual is sacrosanct and Article 21 of the Constitution of India is fully capable of making inroads into the provision under Section 37 NDPS Act. But at the same time, while examining the argument of delay in trial, the court cannot ignore the ground realities in the form of overflowing dockets due to extreme shortage of not just judges, but even the investigators and prosecutors, which compounds the workload on courts manifold. In order to meaningfully interpret the expression "delay in trial" in consonance with the objective of the twin conditions under Section 37 NDPS Act, the court has to keep in mind the said factors in arriving at the decision as to what period can be treated as delay in trial.



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8. In the present case, charges were framed on 08.02.2024 and by now, 07 prosecution witnesses stand examined. Further, as assured by learned prosecutor, the witnesses pertaining to allegations against the present accused/applicant are only three in number and those witnesses shall be examined within three months.

9. So far as the bail granted to accused Seema is concerned, the learned co-ordinate bench kept in mind, her being a lady with no adverse antecedents. In contrast, the present accused/applicant is involved in six more cases including one case under NDPS Act. And that being so, I find substance in the submission of the learned APP for State that it cannot be ruled out that if granted bail, the accused/applicant would again commit some crime, and therefore, the second of the twin conditions under Section 37 of NDPS Act would fail. As regards the first of the twin conditions, nothing has been placed by the accused/applicant to satisfy me that there are reasonable grounds for believing that the accused/applicant did not possess 300 grams heroin.

10. Considering the above circumstances, I do not find it a fit case at this stage to grant bail to the accused/applicant. Therefore, the bail application is dismissed.

11. However, it is directed that prosecution shall ensure that all three witnesses pertaining to the allegations against the present accused/applicant are examined before the trial court within three months, of course, subject to the contingency of the adjournments, if any sought on behalf of any of the



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accused persons.

12. Copy of this order be sent to the Jail Superintendent concerned for being informed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 2, 2026/as