



2026:DHC:990



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

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Date of Decision: 06.02.2026+ **BAIL APPLN. 541/2026 & CRL.M.A. 4041/2026****WASIM KHAN**

.....Petitioner

Through: Mr. Firoz Iqbal Khan, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Chander Pal and SI Mahesh
Kumawat, PS Bhalswa Dairy**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 223/2025 of Police Station Bhalswa Dairy for offence under Section 21(b) NDPS Act.
2. Broadly speaking, the allegation against the accused/applicant is that he was found in possession of 10 grams smack.
3. Learned counsel for accused/applicant submits that the quantity of smack allegedly recovered from the accused/applicant is almost small quantity as the small quantity is 5 grams. It is also submitted that the



accused/applicant is in jail since 04.04.2025 and till date even charges are yet to be framed.

4. Learned APP for State accepts notice and opposes the bail application on the ground that the earlier bail application was dismissed as withdrawn on 20.08.2025 and there being no change in circumstances, the present application is liable to be dismissed. It is also contended that the quantity of smack recovered from the accused/applicant is intermediate quantity, possession whereof is punishable with imprisonment for 10 years.

5. As regards the earlier application, the same was dismissed as withdrawn on 20.08.2025 with liberty to accused/applicant to file afresh after framing of charge before the trial court. It is submitted by learned counsel for accused/applicant that till date across a period of almost 06 months charge has not been framed. I find substance in the submission that this factor in itself is a change of circumstance in the sense that the accused/applicant cannot be expected to wait endlessly in jail.

6. The commercial quantity of smack is 250 grams while the quantity of smack allegedly recovered from the accused/applicant was only 10 grams.

7. As regards antecedents, the accused/applicant is involved in two more cases, one of which is under the Delhi Excise Act while the other one is for offence under Section 411/34 IPC. In both those cases, the accused/applicant is already on bail.



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8. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

9. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

10. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 06, 2026/as