



2026:DHC:5381



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

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Date of Decision: 06.07.2026

+ **BAIL APPLN. 1663/2026**

SANGEETA

.....Petitioner

Through: Mr. Rahul Sharma and Mr. Utkarsh
Jaiswal, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 26/2026 of Police Station Crime Branch for offence under Section 21/25/29 NDPS Act.
2. Neither status report has been filed nor IO/Inspector Vikas has appeared. That in itself shows a lack of interest on the part of investigating agency to resist this bail application.
3. Broadly speaking, the allegation against the accused/applicant is that on the basis of confessional statement of two accused persons namely Arif and Shikha, when both of them were in police custody, the present



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accused/applicant was arrested. In the alleged confessional statement in custody, both those persons stated that the receiver of heroin recovered from them was the present accused/applicant. Therefore, on 24.02.2026, the present accused/applicant was arrested. It is thereafter that from house of the present accused/applicant, 105 grams heroin was allegedly recovered.

4. Learned counsel for accused/applicant submits that she has been falsely implicated in this case as the alleged recovery of heroin was planted on her subsequent to her arrest. It is contended that the alleged recovery of heroin having been subsequent to the arrest raises serious doubts about its genuineness.

5. Learned APP for State opposes the bail application on the ground that although the quantity of heroin allegedly recovered from the accused/applicant is not commercial quantity but even for intermediate quantity, the punishment is imprisonment up to 10 years.

6. Admittedly, the small quantity of heroin is 05 grams and commercial quantity is 250 grams.

7. I find substance in the submission of learned counsel for accused/applicant that alleged recovery of the contraband having been subsequent to the arrest raises doubts about its genuineness. Besides, admittedly there is no material collected during investigation to show any connectivity between Arif and/or Shikha and the present accused/applicant.



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8. At this stage, learned APP for State submits that there were about 100 calls exchanged between the present accused/applicant and Arif. But on being called upon to show the material, it is submitted that the investigation file is with the IO, who is out of Delhi. I do not find it convincing that IO would take along the investigation files while going out. In any case, it is not disputed by learned APP for State that there is no call interception and recording pertaining to the alleged phone calls between Arif and the present accused/applicant to ascertain what was spoken by them with each other.

9. Considering the above circumstances, especially the lack of interest of investigating agency in opposing this bail application, I find no reason to further detain the accused/applicant in custody. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to her 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.

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

11. 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)**

JULY 06, 2026/as

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