



\$~10

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 07.01.2026

+ **BAIL APPLN. 4675/2025 & CRL.M.A. 36044/2025**

PARVEEN

.....Petitioner

Through: Ms. Sakshi Sachedav and Ms. Aayushi Gupta, Advocates

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with SI Pawan Kumar, PS Prashant Vihar and SI Prashant, PS North Rohini

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 526/2025 of PS Prashant Vihar for offence under Section 22/25/29 NDPS Act on the allegation that by way of chance recovery, intermediate quantity of Buprenorphine 2MG & Naloxone 0.5 MG Sublingual Tablets was found being carried in a box kept on scooter being driven by the accused/applicant.



2. Learned counsel for accused/applicant submits that he has been falsely implicated in this case and there is no previous involvement of the accused/applicant in any offence. Further, learned counsel for accused/applicant submits that even according to prosecution case, the alleged recovery of the contraband took place on 18.08.2025, but the contraband was sent to FSL much belatedly on 10.10.2025, for which there is no explanation and this delay shows that prosecution case is a fabricated one. It is also submitted by learned counsel for accused/applicant that the rigours of Section 37 NDPS Act would not apply in the present case. In support of her submissions, learned counsel for accused/applicant also places reliance on the judgment in the case of *Alisher vs The State Government of NCT of Delhi*, 2025:DHC:3173, and another case in which I had the occasion to deal with a similar situation pertaining to intermediate quantity.

3. Learned APP for State submits that the delay in sending the contraband to FSL occurred because of time taken by the learned magistrate in dealing with their application dated 22.08.2025.

4. As regards time taken in sending the contraband to FSL, in the present case it is not a matter of mere non-compliance with the statutory provisions. This delay is pointed out by learned counsel for accused/applicant raising suspicion against truthfulness of the prosecution case.

5. So far as the magisterial permission is concerned, the same on the application dated 22.08.2025 of the IO was admittedly granted on



02.09.2025. But the contraband was sent to FSL on 10.10.2025, for which delay there is no explanation at all. Further, in the chargesheet, the IO has not even filed copies of Register No. 19 in order to show the deposit of the contraband in *malkhana* and taking out of the same, which would be vital in the present circumstances of delay in sending the contraband to FSL.

6. Considering the above circumstances, 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. Accompanying application stands also disposed of.

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

8. It is made clear that nothing recorded in this order shall affect the final outcome of the trial.

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 7, 2026/as