



2026:DHC:538



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

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Date of Decision: 22.01.2026

+ **BAIL APPLN. 4955/2025 & CRL.M.A. 38226/2025**

SAJAN KUMAR

.....Petitioner

Through: Mr. Ankaj Giri, Advocate.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Mukesh Kumar.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 88/2025 of PS Crime Branch for offence under Section 20/25/29 NDPS Act.

2. Broadly speaking, the prosecution case is as follows. On the basis of a secret information, a raiding team was constituted by local police on the night intervening 11.04.2025 and 12.04.2025. At the informed spot, the co-accused, whose name was later revealed as Raja Kumar was apprehended on a two-wheeler scooter, on footrest whereof 23.900 kg *ganja* kept in a white plastic bag was recovered and seized. On disclosure of co-accused Raja, the police arrested the present accused/applicant and from the bag carried by



him, 12.235 kg *ganja* was recovered. The accused/applicant was arrested on 13.04.2025 and continues to be in custody.

3. Learned counsel for accused/applicant submits that nothing incriminating was recovered from him and the *ganja* allegedly recovered was in fact planted on him. The accused/applicant is in custody since 13.04.2025 and no purpose would be served by keeping him in jail, especially because he is about 19 years of age with no antecedents. Learned counsel for accused/applicant also assails the nature of the material allegedly recovered from him and contends that the same is not *ganja*.

4. Learned APP for State assisted by IO/SI Mukesh Kumar opposes the bail application on the ground that as regards the recovered material, the same has been certified to be *ganja* by FSL. Further, learned APP submits that bail of co-accused Raja was dismissed by this court on 20.01.2026, so the present accused/applicant also does not deserve bail. Learned APP also contends that there is a video chat between the present accused/applicant and co-accused Raja in which video chat, the present accused/applicant is showing the *ganja* sample to co-accused Raja. It is submitted by learned APP that apart from the video chat, there are also other audio telephonic connectivity and money transactions between the two accused persons, which reflect conspiracy charge under Section 29 NDPS Act.

5. To begin with, there is no dispute that while considering the rigors of Section 37 NDPS Act, the total recovery of the contraband from multiple



accused persons would be relevant only if there is cogent evidence of conspiracy between multiple accused persons. Otherwise, each accused person is answerable for the respective recovery from him/her.

6. As regards co-accused Raja, the recovery of *ganja* from him was 23.900kg, which in itself is commercial quantity. That is not the case with the present accused/applicant. From the present accused/applicant, quantity of *ganja* recovered is 12.235 kg, which is not commercial quantity.

7. To establish conspiracy between the present accused/applicant and co-accused Raja, one of the material collected is the alleged video chat between the two of them, in which the present accused/applicant showed sample of *ganja* to co-accused Raja. But on being directed to show that video chat, what the IO has shown is simply a few seconds clip of video depicting some bushes material kept in a plastic bag. After the video is played, the IO admits that it is not the video chat between the accused/applicant and the co-accused Raja. Now it is stated by the IO that this clip was found by the FSL in the pictures gallery of mobile phone of the accused/applicant. Another material relied upon by prosecution to show conspiracy is the alleged financial transactions between the accused/applicant and the co-accused Raja. Those financial transactions are to the total tune of hardly Rs.20,000/- which cannot be connected with a contraband going by cost thereof. Lastly, the evidence relied upon by prosecution to show conspiracy are Call Detail Reports between the accused/applicant and co-accused Raja. But Call Detail Reports establish nothing except only telephonic connectivity between two



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persons. The same do not give any hint of what was the conversation between the two persons.

8. Admittedly, the accused/applicant is aged only 19 years and has no antecedents. Even the prosecution witnesses are only police witnesses, so there is no likelihood of the accused/applicant threatening anyone.

9. Considering the above circumstances, I do not find any reason to deprive further liberty to 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. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial. Accompanying application also stands disposed of.

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

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 22, 2026/ry