



2026:DHC:4595



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

% *Date of Decision: 22.05.2026*

+ **BAIL APPLN. 1542/2026**

BHOLAPetitioner

Through: Mr. Ayyub Ahmad, Advocate.

versus

THE STATE OF NCTRespondent

Through: Mr. Amit Ahlawat, APP for State
with SI Nikhil and ASI Pankaj
Rajora, PS Ambedkar Nagar.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 09/2026 of Police Station Ambedkar Nagar for offence under Section 20 of NDPS Act.
2. Status report was filed by the State opposing the bail application. I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/ASI Pankaj.
3. Broadly speaking, the prosecution case is that on 07.01.2026, one Head Constable and a Constable while on patrolling duty found a person



sitting on the staircase of his house and carrying two white polythenes in hand, but on seeing the police officials that person ran towards first floor of his house and was apprehended. That person is the accused/applicant. The said two police officials searched the polythenes carried by the accused/applicant and found the same to contain *ganja*. The police official intimated the police station from where the required kit was brought and on weighing the allegedly recovered *ganja* was found to be 2.788 kg. The accused/applicant was arrested.

4. Learned counsel for accused/applicant submits that he has been falsely implicated in this case and nothing incriminating was recovered from his possession, but he continues to be in jail since 07.01.2026. It is also submitted that the quantity of *ganja* allegedly recovered from the accused/applicant is not commercial quantity.

5. On the other hand, learned APP for State strongly opposes the bail application on the ground of antecedents of the accused/applicant. It is submitted by learned APP for State that the accused/applicant is bad character of the area and involved in multiple cases. It is also submitted by learned APP for State that even family members of the accused/applicant are involved in number of criminal cases, so he is not entitled to bail. Lastly, the submission of learned prosecutor is that punishment prescribed for the present offence is imprisonment upto 10 years.



6. At the outset, I find absolutely no merit in the argument that since family members of the accused/applicant are involved in other criminal cases, it is the accused/applicant who also should suffer. Coming to the antecedents of the accused/applicant, the report of previous involvement/conviction forming part of the status report reflects only three cases against the accused/applicant, out of which in one case he stands acquitted while the other two cases are for offences under Section 406/411 IPC and Section 41(1)(d) CrPC. Besides that in Gurugram also, he is stated to have been involved in a theft case but status of that case is not known to the Investigating Officer. As regards the allegation that the accused/applicant is a bad character, not a shred of document has been produced.

7. Of course, the punishment prescribed for being found in possession of intermediate quantity of contraband is punishable with imprisonment upto 10 years. But stepping deeper, one has to examine the exact quantity recovered from the accused/applicant as alleged. The commercial quantity for *ganja* is 20kg and small quantity for *ganja* is 1kg. That being so, the quantity of *ganja* allegedly recovered from the accused/applicant is just above the small quantity.

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



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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. Copy of this order be given *dasti* to learned counsel for 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)**

MAY 22, 2026/as