



2026:DHC:2414



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

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Date of Decision: 23.03.2026

+ **BAIL APPLN. 4288/2025**

ISHWAR

.....Petitioner

Through: Mr. Aditya Aggarwal and Mr. Naveen
Panwar, Advocates.

versus

STATE

.....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. 164/2022 of PS Vasant Kunj South for offence under Section 20/25 NDPS Act.

2. Broadly speaking, allegation against the accused/applicant is that he was initially arrested in another case, bearing FIR No. 33/2016 on the allegation of recovery of 1060 kg *ganja* from him but he jumped bail and by way of chance recovery, once again 109.7 kg *ganja* was recovered from him leading to the present FIR. The FSL has confirmed the contraband allegedly recovered from the accused/applicant to be *ganja*.



2026:DHC:2414



3. In his earlier filed bail application (Bail Application 1264/2025), by way of order dated 08.08.2025 of this bench, the accused/applicant opted to confine himself to grant of bail only on the ground of delay in trial, but since he could not obtained certified copies of the ordersheets of trial court to show delay, that application (bail application 1264/2025) was sought and allowed to be withdrawn with liberty to file fresh bail application before the trial court.

4. Today, in the present bail application, initially learned counsel for accused/applicant contended that the allegedly recovered contraband cannot be treated to be *ganja* because there is no mention of flowering or fruiting tops. But on being pointed out about FSL report which found the contraband to be *ganja*, learned counsel for accused/applicant contended that since the recovered contraband contained leaves and seeds also, the quantity of the recovered contraband cannot be said to be commercial quantity with certainty. It is also argued that in the *Malkhana* Register of the police station, there is no entry reflecting movement of the contraband from police station to the learned magistrate and back.

5. Learned APP strongly opposes the bail application contending that all these arguments were taken up on 08.08.2025 but, thereafter counsel for the accused/applicant had opted to confine himself to the ground of delay in trial.



2026:DHC:2414



6. In view of the above arguments, learned counsel for accused/applicant has taken me through the copies of the ordersheets of the trial court annexed as Annexure P-26 to the application.

7. But complete copies of ordersheets have not been filed. Ordersheets of the trial court after 10.12.2025 have not been filed. The trial court ordersheets till 10.12.2025 have been examined by me. It has been observed by the learned trial court in those ordersheets that 30 time bound matters are pending in that court in which trial has to be completed within a span of 03 to 09 months, but despite that, each date was effective except one date (28.07.2025) when three police officials had to be discharged unexamined because no time was left with the court. Considering the said ordersheets, I am unable to agree with the submission of learned counsel for accused/applicant that there is an undue delay in trial which would entitle the accused/applicant to be released on bail.

8. Further, it cannot be ignored that the accused/applicant was arrested in this case as a matter of chance recovery while he had already jumped bail in FIR No. 33/2016. In addition to these two cases, the accused/applicant is also involved in FIR No. 215/2016 of PS Kosi Kalan, Mathura for recovery of more than 90 kg *ganja*. As regards, FIR No. 215/2016, learned counsel for accused/applicant submits that he has no knowledge of the said case.

9. Considering the above circumstance, I do not find it a fit case to release the accused/applicant on bail. The bail application is dismissed.



2026:DHC:2414



10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

MARCH 23, 2026/ry

**GIRISH KATHPALIA
(JUDGE)**