



2026:DHC:6057



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 29.07.2026*+ **BAIL APPLN. 2070/2026**

SAURABH SINGH @ SONU

.....Petitioner

Through: Mr. Vikram Singh Nayal and Mr.
Dushyant Bhargava, Advocates.

versus

THE STATE OF GOVT. OF NCT OF DELHIRespondent

Through: Mr. Amit Ahlawat, APP for State
with IO/SI Narender Singh**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 76/2024 of Police Station Crime Branch, Delhi for offence under Section 20/25/29 NDPS Act.

2. Broadly speaking, prosecution case is as follows. On the basis of secret information, the present accused/applicant and the co-accused Nibash Biswas were apprehended having been found in possession of four gunny bags containing 80kg *ganja* in a car, and were arrested.



3. Learned counsel for accused/applicant contends that he is innocent and was not in conscious possession of the contraband. It is also contended that since no arrest warrants were obtained and no notice under Section 50 NDPS Act was issued, the accused/applicant deserves to be granted bail. Learned counsel also claims that since neither the source nor the target of the allegedly recovered contraband has been established by the investigation, the accused/applicant deserves bail. It is also submitted by learned counsel that since the investigation officer did not lift the fingerprints from the gunny bags, the accused/applicant deserves bail. Learned counsel also submits that in all probability, the accused/applicant will be acquitted after full dress trial and therefore his liberty has to be ensured.

4. Learned APP for State assisted by IO/SI Narender Singh strongly opposes the bail application contending that the twin conditions laid down under Section 37 NDPS Act cannot be ignored in the present case since the quantity of the *ganja* recovered from the accused/applicant was the commercial quantity. It is also submitted that the accused/applicant is involved in four more cases, including another case under NDPS Act. Further, it is submitted by learned prosecutor that co-accused Nibash Biswas was granted interim bail by the Court of Sessions, after which he absconded and has been declared proclaimed offender. Even as regards the present accused/applicant, learned prosecutor submits that he had been granted interim bail and was finally directed by this Court to surrender on



20.03.2026 because his counsel withdrew the bail application, but the accused/applicant did not surrender till 25.03.2026.

5. The threshold of commercial quantity of *ganja* is 20kg and the quantity of the *ganja* allegedly recovered from the accused/applicant was 80kg. That being so, the twin conditions laid down under Section 37 NDPS Act must come into play. The arguments advanced on behalf of the accused/applicant as noted above do not make inroads into the twin conditions laid down under Section 37 NDPS Act. For present purposes, nothing has been shown on the basis whereof, this Court would find itself satisfied that there are reasonable grounds for believing that the accused/applicant is not guilty of the offence alleged against him.

6. Even as regards the second limb of the twin conditions stipulated under Section 37 of the Act, in view of the previous involvements of the accused/applicant as disclosed by prosecution side and mentioned above, coupled with his having flouted the directions to surrender on 20.03.2026, this Court is not satisfied that he is not likely to commit any offence while on bail.

7. At this stage during dictation, learned counsel for accused/applicant clarifies that notice under Section 50 NDPS Act was issued to the accused/applicant, but the same was issued in a mechanical manner. Further, it is submitted by learned counsel for accused/applicant that his fundamental rights stand breached.



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8. Considering the above circumstances, I do not find it a fit case to grant bail to the accused/applicant. The bail application is dismissed.
9. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

GIRISH KATHPALIA
(JUDGE)

JULY 29, 2026/as