



2026:DHC:5147



§~SB-30

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

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Date of Decision : 17.06.2026+ **BAIL APPLN. 2234/2026**

DHANJAY KUMAR

.....Petitioner

Through: Mr. Raghav Chawla, Advocate.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State.

S.I. Mukesh Kumar, Anti Narcotics
Squad. Outer District.

Mr. Udit, I.O.

CORAM:**HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (ORAL)**

1. The present Petition has been filed on behalf of the Petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking grant of interim bail for a period of 20 days on humanitarian and compassionate grounds in respect of FIR No. 1009/2024 lodged under Sections 20(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“**NDPS Act**”) at Police Station Paschim Vihar West.

2. The Chargesheet against the Petitioner in FIR No. 1009/2024 was filed on 07.12.2024. The Petitioner had earlier approached the Special Judge (NDPS), West District, Delhi (“**Trial Court**”) seeking Regular Bail and the same got dismissed vide order dated 29.10.2025. The Petitioner approached



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this Court seeking Regular Bail and the same was dismissed as withdrawn *vide* order dated 16.05.2026.

3. The Petitioner had approached the learned Trial Court seeking Interim Bail on humanitarian and compassionate grounds as the real sister of the Petitioner is getting married on 19.06.2026 at Patna, Bihar and the same got dismissed *vide* order dated 02.06.2026. Hence, the Petitioner has filed the present Petition seeking Interim Bail.

4. *Vide* Order dated 15.06.2026, Notice was issued in the present Petition and the Additional Public Prosecutor (“APP”) sought time to verify the facts of the wedding, stated to be scheduled on 19.06.2026.

5. The learned Counsel for the Petitioner prayed that the Petitioner be granted Interim Bail for a period of 20 days on humanitarian and compassionate grounds as the real sister of the Petitioner is getting married on 19.06.2026 in Patna, Bihar. The wedding proceedings are set to commence on 17.06.2026 and the Petitioner maybe granted Interim Bail so that he can perform the religious ceremonies as the brother of the bride. The rest of the real brothers of the Petitioner who can perform the religious ceremonies are estranged from him and his sister and therefore, he is the only one that can perform the religious ceremonies.

6. The learned APP appearing on behalf of the State submitted that, upon verification, it has been confirmed that the Petitioner’s sister is scheduled to be married on 19.06.2026. However, the learned APP opposed the grant of Interim Bail to the Petitioner on the ground that the Petitioner is a habitual offender. It was further submitted that the Petitioner is involved in trafficking of narcotic substances and was arrested for possession of more than 40 kilograms of Ganja, which constitutes a commercial quantity under



the NDPS Act. The Petitioner is also stated to have multiple antecedents, thereby warranting rejection of the present Petition. In addition, it was submitted that the Petitioner has been involved in two other similar cases and that there are other brothers of the Petitioner who can perform the religious ceremonies at the wedding ceremony of the Petitioner's sister.

7. The learned APP placed reliance on the judgment of this Court in *Athar Parvez v. State of NCT of Delhi*, CRL.REF. 1/2015, to submit that, while considering an application for grant of Interim Bail, the Court is required to bear in mind the stringent provisions contained in Sections 37 and 32A of the NDPS Act. It was submitted that Interim Bail ought to be granted only where compelling circumstances exist which justify such relief, and that the Court must also consider whether the accused or convict is likely to commit or indulge in similar offences while on bail.

8. The grant of bail in cases arising under the NDPS Act is circumscribed by the stringent requirements of Section 37 thereof. The power to grant Interim Bail in such matters is to be exercised sparingly and only in exceptional circumstances, where the facts of the case warrant such relief. The restrictions under Section 37 of the NDPS Act are mandatory in nature and override the general principles governing the grant of bail. Consequently, Interim Bail or Regular Bail in cases under the NDPS Act may be granted only in rare and exceptional circumstances, upon the Court being satisfied that compelling reasons exist and that the rigours of Section 37 of the NDPS Act stand duly satisfied.

9. In the present case, the Petitioner has been arrested in connection with possession of a commercial quantity of Ganja, and the FIR has been registered against him under Sections 20(C) and 29 of the NDPS Act. It is



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also borne out from the submissions that the Petitioner has other real brothers who may perform the religious ceremonies in relation to the wedding of the Petitioner's sister. No material has been placed on record to substantiate the assertion that the other brothers are estranged from the Petitioner and his sister. Further, the Petitioner is stated to be involved in two other similar cases.

10. Having regard to the gravity of the offence alleged against the Petitioner, the quantity involved, and the antecedents attributed to him, this Court is of the view that a strong case has been made out for denial of Interim Bail. The Petitioner has failed to demonstrate the existence of any exceptional or compelling circumstances warranting grant of Interim Bail. Accordingly, the Petitioner is not entitled to be released on Interim Bail at this stage.

11. In view of the foregoing discussion, the present Bail Application is dismissed.

TEJAS KARIA, J
(VACATION JUDGE)

JUNE 17, 2026

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