

Bail Application
IA No. 3 In SC/616/2025
FIR No. 194/2025
Noori Vs. Govt. of NCT of Delhi
PS Gulabi Bagh
U/s 20/25/29 of NDPS Act.

18.11.2025

This is an application U/s 483 of BNSS, 2023 seeking grant of regular bail to the applicant/ accused.

Present : Sh. K.P Singh, Ld. Addl. PP for the State.
Ms. Kajol Garg, Ld. Counsel for accused (through VC).

Reply to bail application is filed. Copy supplied.

Arguments have already been heard.

On 01.11.2025, Ld. Counsel for applicant/accused, Ld. Addl. PP for State and IO have argued that "Ld. Counsel for accused submits that accused is falsely implicated in this case. He further submits that the previous bail application of accused was dismissed vide order dated 17.09.2025, however the said bail application was moved on humanitarian grounds and it was not on merits, therefore that order can not be taken into consideration while deciding the present bail application.

He further argued that thereafter, the applicant accused moved bail application before Hon'ble High Court of Delhi, but the same was disposed off as withdrawn vide order dated 14.10.2025.

He further submits that since the accused had not taken all the grounds of bail in previous bail application filed before this court, therefore the Hon'ble High Court of Delhi had directed the accused to move an appropriate bail application before the trial court and in support of that he has relied upon

Rakesh Vs. State NCT Delhi.

Ld. Counsel for accused further argued that allegedly only intermediate quantity of Ganja was recovered from the possession of applicant accused. He also states that the another quantity allegedly recovered from the possession of co-accused is also intermediate quantity and even if both quantities are clubbed together, then also the total quantity falls within the definition of intermediate quantity, therefore the section 37 of NDPS Act is not applicable.

He further argued that the co-accused Reena has already been admitted to bail.

He further submitted that the investigation is already complete and the charge-sheet is already filed.

He further argued that even if the co-accused Sudhanshu is at large that fact also can not disentitle the applicant/accused to be admitted to bail.

Ld. Counsel for accused has also argued that the alleged recovery was made from the flat of accused, which is a residential area, and police has not joined any public witness during alleged recovery and therefore police has not complied section 103 (4)(8) BNSS which is mandatory. In support of that he relied upon page no. 122, annexure 22 of his bail application. He has also relied upon David Mavanja Vs. DRI, 2025, Delhi HC, Narshimman Vs State Govt of NCT of Delhi, Bail application no. 3863/2022 decided on 09.02.23, Gajender Bahadur Vs. The State Govt of NCT of Delhi, Bail application no. 3655/22 decided on 31.01.23, Sunil Vs. The State Govt of NCT of Delhi, Bail application no. 495/22, decided on 28.07.22, Soyab Vs. The State Govt of NCT

of Delhi, Bail application no. 2626/22, decided on 12.12.22, Rehmatullah @ Arman Vs State of Delhi, Bail application no. 2866/2022, decided on 24.11.22, Mahesh vs The State Govt of NCT of Delhi, Bail application no. 161/25, decided on 30.01.25, Susan Njoki Vs. The State Govt of NCT of Delhi, Bail application no. 3384/24, decided on 04.02.25, Kalendra Kumar vs. The State Govt of NCT of Delhi, Bail application no. 3310/25, decided on 08.10.25, Cholpan Bisht vs State Govt of NCT of Delhi, Bail application no. 426/25, decided on 07.05.25; Sultan Singh vs The State of Punjab, Petition(s) for Special Leave to Appeal (Crl.) No (s). 7609/2025, decided on 01.09.25; Sanjay vs The State NCT of Delhi, Bail application no. 3710/23, decided on 22.01.25; Pascal Ezeigbo @ Prince vs The State NCT of Delhi, Bail application no. 3494/24, decided on 30.01.25; Gaurav Chopra vs State NCT of Delhi, Bail application no. 1706/24, decided on 21.01.25; Sebil Elanjimpally Vs The State of Odisha, Criminal Appeal No. 1578 of 2023, decided on 18.05.23; Sabbo @ Sahabana vs The State NCT of Delhi, Bail application no. 3999/23, decided on 14.05.24.

Per Contra. The Add. PP for the state and the IO have vehemently opposed the bail application stating that the present application is not maintainable since all the grounds have already been taken by Ld. Counsel for the accused in the previous bail application and the said grounds were rejected vide order dated 17.09.2025.

They further submit that lacuna, if any, in the recovery of the case property does not entitle the applicant/accused to be admitted to bail.

He further submits that the co-accused Sudhanshu is

still at large, investigation is still pending. He further argued that the charge is yet to be framed and witnesses are yet to be examined. He further submits that the accused is involved in another case under NDPS Act. Therefore they request that the application should be dismissed.

In rebuttal Ld. Counsel for accused submits that the accused is already on bail in the another case.”

Thereafter, the matter was pass over for 04.00 PM, however, it was observed that Ld. Counsel for applicant/accused had not annexed order dt. 14.10.2025 of Hon’ble Delhi High Court vide which the bail application of applicant/accused was dismissed.

The said order has already been filed on behalf of applicant/accused.

Submissions considered.

It is contented by Ld. Counsel for applicant/accused that the previous bail application of applicant/accused was dismissed by this court vide order dt. 17.09.2025 and according to him, the said bail application was moved only on humanitarian grounds. However, after going through the aforesaid bail order, it is observed that the order was passed on the merits of the case also.

Further, the bail application moved on behalf of applicant/accused before Hon’ble High Court of Delhi was dismissed as withdrawn on the request of Ld. Counsel for applicant/accused vide order dt. 14.10.2025. On 01.11.2025, Ld. Counsel for applicant/accused had contended that since the applicant/accused had not taken all the grounds of bail in previous bail application filed before Ld. Trial Court, therefore,

Hon'ble Delhi High Court had directed the applicant/accused to move appropriate bail application before Ld. Trial Court. However, on perusal of the order dt. 14.10.2025, no such directions have been given by Hon'ble Delhi High Court.

Ld. Counsel for applicant/accused had contended that since only intermediate quantity of Ganja has been recovered from the possession / at the instance of applicant/accused and the charge-sheet has already been filed, therefore, the applicant/accused may be admitted to bail. However, as per record, the applicant/accused is involved in another FIR i.e. FIR no. 653/2020 U/s 20 NDPS Act, PS Ambedkar Nagar. The applicant/accused was on bail in said case and thereafter also she has been found involved in present case and has misused the liberty of bail granted to her.

Further, nothing has been recovered from the possession of co-accused Reena, therefore, the roles of applicant/accused and co-accused Reena are different and distinguishable. Though, the charge-sheet has been filed but the main source i.e. the co-accused Sudhanshu Sharma is still absconding, thus the allegations against applicant/accused are serious in nature.

It is well settled that the nature and gravity of accusation, severity of the punishment, danger of the accused absconding, reasonable apprehension of the witnesses being influenced, prime facie case against the accused, danger to the society etc. are factors which have to be kept in mind while exercising powers for grant of bail. In my considered opinion and owing to the given facts and circumstances of the case, I am not inclined to grant bail to the applicant/ accused at this stage.

Accordingly, bail application of the applicant/ accused **Noori** stands **dismissed**.

The observations made on the merits of the case are purely for the purposes of deciding the present bail application and shall not be construed as expression upon the merits of the case.

Copy of the order be given dasti to the IO, Ld. Counsel for applicant/ accused and be communicated to the applicant/ accused in Jail through Jail Superintendent concerned.

(Virender Singh)
Special Judge, NDPS,
Central,THC, Delhi/18.11.2025