

Bail Matters 276/2026
STATE Vs. HASEENA KHATOON
FIR No. 289/2022
PS- (Crime Branch-South East)
u/s 20/61/85 of NDPS Act

09.04.2026

File taken up today on an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Haseena Khatoon for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Shan-ul-Islam, Ld. Counsel for the
applicant/accused.
IO/SI Sudhir Kumar is present.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Haseena Khatoon. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 16.12.2022 and that she has been falsely implicated in the present matter as she has nothing to do with the alleged offences. Ld. Counsel further submitted that the applicant/accused is a woman and deserves the benefit of proviso to Section 480(1) BNSS on humanitarian ground and that she is the sole caretaker of her family and her continued detention is causing irreparable hardship. Ld. Counsel further submitted that all the co-accused persons in the present matter have already been granted bail and therefore, the present applicant/accused may also be granted bail

on the ground of parity. Ld. Counsel further submitted that the investigation in the present matter has been completed, and chargesheet has been filed and therefore, no fruitful purpose would be served by keeping the applicant/accused behind the bars any further. Ld. Counsel thus, submitted that the applicant/accused ought to be granted bail and she is ready to abide by all the terms and conditions imposed upon her while granting the bail.

3. *Per contra* Ld. Addl. PP for the State along with IO vehemently opposed the bail application citing the gravity of the offence as one of the main grounds. Ld. Addl. PP further submitted that applicant/accused is a part of drug nexus which sell narcotics drugs in the daylight and that the drug menace is affecting the entire society and especially it is targeting the younger generation and it affects the economy of the country and that illicit money is being used for drug trafficking which is a serious offence and the persons involved in the illicit drug trafficking are destroying the social fabric of society and leading youth to wrongful path. Ld. Addl. PP further submitted that in the present case, commercial quantity of contraband had been recovered and that the allegations against the present applicant/accused are very grave in nature. Ld. Addl. PP also submitted that the present applicant/accused was previously found involved in other criminal cases. He also submitted that in the present matter, charges are yet to be framed and material prosecution witnesses are yet to be examined and if accused is granted bail, there is strong possibility that she may jump the bail

and may flee from justice and thus, accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

6. During the course of arguments, it was brought to the fore that the investigation of the case has already been completed and the chargesheet has been filed before the court. So far as the involvement of the applicant/accused in other two criminal cases, however, during the course of arguments, learned counsel for the applicant/accused submitted that she has already been granted bail in the said two cases. Further, in the present matter, all other co-accused persons have already been granted bail by this court. The accused is in JC since 16.12.2022. Further, the trial is likely to take a considerable long time. Speedy trial in such circumstances does not seem to be a possibility.

7. Further, it would also be pertinent to mention that the Hon'ble Supreme Court in **Man Mandal v. State of W.B., 2023 SCC OnLine SC 1868** granted bail to the petitioners on the ground that they had undergone almost 2 years and the trial is not likely to be concluded in near future. Also, in **Dheeraj Kumar Shukla v. State of V.P., 2023 SCC OnLine SC 918**, the Hon'ble Supreme Court dispensed the rigors of section 37 of NDPS Act and granted bail to the petitioner therein. Relevant para of the said judgment is extracted below:-

"3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed."

8. Considering the aforementioned circumstances and taking into the fact that accused is in custody since 16.12.2022, and further, the fact that all other co-accused persons have already been enlarged on bail and further, it is unlikely that trial will be concluded in near future and trial will take long time, I deem it fit to grant bail to accused Haseena Khatoon @ Bazi, on her furnishing personal bond with surety bond of Rs. 50,000/-

with one surety in the like amount, subject to following conditions:

i) The applicant/accused shall not leave the country without the prior permission of the court;

ii). The applicant shall provide her permanent address to the court. The applicant shall intimate the court by way of an affidavit and to the IO regarding any change in the residential address;

iii) The applicant shall appear before the court as and when the matter is taken up for hearing;

iv) The applicant shall also furnish her mobile numbers and mobile numbers of her surety to the IO concerned, which shall be kept in a working condition at all times and shall not be switched off or changed without prior intimation to the IO concerned.

v) The applicant shall not communicate with or come in contact with any of the prosecution witnesses or tamper with the evidence of the case while being released on bail.

9. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

10. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate. Copy of this order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /09.04.2026