

Bail Matters 701/2026  
STATE Vs. LALIT  
FIR No. 172/2025  
PS- (Crime Branch-South East)  
u/s 21/29 of NDPS Act

16.05.2026

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

Present: Sh. Yogendra Singh, Ld. Addl. PP for the State.  
Sh. Kamal Dev Singh, Ld. LADC for the  
applicant/accused. (through VC)

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

2. Ld. Counsel for the applicant/accused submitted that except the present application, no other bail application of the applicant/accused is pending before any other court.

3. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 08.07.2025 and that he has been falsely implicated in the present matter as he has nothing to do with the alleged offences. Ld. Counsel further submitted that the alleged recovery has been falsely planted upon the applicant/accused as nothing was recovered from the possession of the applicant/accused or at his instance and that no CCTV footage was produced by the police which corroborate that the applicant/accused was arrested from

the alleged spot. Ld. Counsel further submitted that neither any family member nor any neighbour/independent witness was made as witness for the alleged recovery and that the alleged recovery is highly doubtful. Ld. Counsel further submitted that despite obtaining police remand of the applicant/accused, prosecution has not been able to show with whom the applicant/accused secured the recovered contraband and also that the prosecution could not trace any person to whom the said contraband was to be supplied. Ld. Counsel also submitted that the applicant/accused is a poor person and there is no flight risk of accused evading trial. Ld. Counsel further submitted that in the present matter, investigation has been completed, chargesheet has already been filed and charges have also been framed against the applicant/accused and therefore, no fruitful purpose would be served by keeping the applicant/accused behind the bars any further. Ld. Counsel thus, submitted that applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail.

4. *Per contra* Ld. Addl. PP for the State vehemently opposed the bail application citing the gravity of the offence as one of the main grounds. Ld. Addl. PP submitted that applicant/accused is a part of drug nexus which sell narcotics drugs 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 matter, 114 grams of 'smack' and one weighing machine with some small polythene have been recovered from the house of the applicant/accused at his instance and that the total recovered quantity in the present matter is commercial in nature and therefore, the embargo of Section 37 NDPS Act would be very much applicable in the present matter. Ld. Addl. PP further submitted that the prosecution witnesses are yet to be examined in the matter. Thus, the applicant/accused ought not to be granted bail.

5. I have heard the arguments and also perused the record.

6. 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.

7. As per the report of IO, in the present case, accused Sunny was arrested on 06.07.2025 and upon his search, 259 grams of 'smack' was recovered from his possession and during investigation, PC remand of accused Sunny was obtained and during his PC remand, at his instance, one another/co-accused

Lalit (the present applicant/accused herein) was arrested on 08.07.2025 in the present case and 114 grams of 'smack' along with weighing machine and some polythenes were recovered from the house of the applicant/accused. Further, as reported, during investigation, the CDR of both accused persons were analyzed and they were found in contact with each other. The sampling of recovered narcotic substance was got conducted in the Ld. Court concerned and samples were sent to the FSL for expert's opinion and after the receipt of the result, the narcotic substance recovered from the possession of both accused persons was found positive.

8. During the course of arguments, it was brought to the fore that there is CDR connectivity between the applicant/accused and co-accused. Insofar as the CDRs are concerned, I may note that the evidentiary value of the same has to be seen at the stage of the trial. In this regard, in the case of **Phundreimayum Yas Khan vs. State (NCT of Delhi): 2023 SCC OnLine Del 135**, the Hon'ble High Court of Delhi observed that in the absence of any other incriminating material, the CAF/CDR details cannot be a ground to deny the bail. The relevant para reads as under:-

"Existence of any conspiracy between the applicant and Sayed Javed Hussain based on the CDRs

a). It is stated by learned counsel for the Respondent that the call record details show that the applicant was in frequent contact with one Amarjit Singh Sandhu on 26.01.2021, i.e, the date when the Tramadol tablets were collected by the co-accused Sayed Javed Hussain. He further states that according to

the CAF/CDR details, location of the co-accused Sayed Javed Hussain and the applicant is also found to be in Rajouri Garden on 26.01.2021.

b). In my view, in the absence of any financial dealings, any recovery of narcotic substance or psychotropic substance from the applicant or from the premises of the applicant and/or at the behest of the applicant, the fact that the CAF/CDR details show calls between the applicant and Amarjit Singh Sandhu and the applicant and Sayed Javed Hussain, cannot be a ground to deny him the bail in the present matter.

c). It is for the prosecution to establish the guilt, abetment, conspiracy of the applicant beyond a reasonable doubt which is not borne out from the CAF/CDR details."

9. Further, during the course of arguments, it was brought to the fore that the total recovered quantity in the case from accused persons is 259 grams of 'smack'. However, in the present case, recovery from the present applicant/accused is 114 grams of 'smack' which falls under intermediate quantity and not as commercial quantity. The recovery made from co-accused person cannot be clubbed with the recovery made from the applicant/accused and therefore, the recoveries made from the applicant/accused cannot be considered to be commercial quantity and therefore, in my considered view, the Bar of Section 37 NDPS Act would not be applicable.

10. In this regard, it would be apt to reproduce the relevant extracts of **Vicky Kaur vs. State of Punjab 2018 SCC OnLine P & H 6949** and **Amar Singh Ramji Bhai Barot vs. State of Gujarat 2005 7 SCC 550**, wherein it was held as under:

“That the quantity of contraband carried by both accused could not be added to bring it within the meaning of commercial quantity and Section 29 would not be attracted.”

11. Further, in the case of **Raju Diwarkar @ Pappu vs. The State Bail Application No. 44/2020 decided on 13.02.2020**, the Hon’ble High Court considered the principle of purity percentage in contraband and inter alia held that 51 grams of heroin was recovered which fall in the category of “intermediate quantity”. Further, the Hon’ble High Court concluded that the quantity of contraband carried by each accused could not be aggregated to classify it as a commercial quantity.

12. In the instant case, the applicant/accused has been in JC since 08.07.2025. Further, as per the IO’s report, the applicant/accused has one previous involvement in other case FIR No. 83/2018, PS Women Police Station Ballabhgarh, Haryana, u/s 498A/354/323/406/34 IPC being brother-in-law. However, no previous involvement of the applicant/accused has been found in any other NDPS case. In the present matter, the investigation has been completed, chargesheet has already been filed and charges have also been framed. Also, the trial is likely to take a considerable long time.

13. Considering the aforementioned factual and legal position and taking into account the submissions, and especially the fact that the intermediate quantity of contraband has been recovered from the applicant/accused and the recovery made from co-accused cannot be clubbed with the recovery made from

co-accused, I deem it fit to grant bail to accused Lalit, on his furnishing personal bond with surety bond of Rs. 25,000/- with one surety of 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.

14. 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.

15. 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.

16. Copy of this order be given dasti.

**(HONEY)**  
**ASJ-04 + Spl. Judge (NDPS),**  
**South East District, Saket Court,**  
**New Delhi /16.05.2026**