

Bail Matters 214/2026
STATE Vs. AMEEN
FIR No. 542/2025
PS- (Kalkaji)
u/s 21/29/61/85 of NDPS Act

23.01.2026

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Ameen 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 Rajbir Singh is present.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Ameen. 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 20.09.2025. Ld. Counsel further submitted that the applicant/accused has been falsely implicated in the present matter as he has nothing to do with the alleged offences. Ld. Counsel further submitted that nothing incriminating has been recovered either from the conscious possession of the applicant/accused or at his instance and that mere presence at the spot does not attract the rigorous of Section 37 of NDPS Act. Ld. Counsel further submitted that the alleged recovery in the matter was effected from a public place, however, no independent public

witness joined the investigation at the time of alleged recovery/arrest in the present matter. Ld. Counsel further submitted that the applicant/accused has no previous criminal antecedents. Ld. Counsel further submitted that the investigation in the present matter has been completed and there is no requirement of further custody of the applicant/accused. Ld. Counsel further submitted that the applicant/accused is in JC for a considerable period and the trial is likely to take a long time. Ld. Counsel further submitted that in the present matter, co-accused Shishir Kumar Singh has already been granted bail by this court vide order dated 03.11.2025 and therefore, the present applicant/accused may also be granted bail. He also submitted that the applicant/accused is a permanent resident of Delhi, having deep roots in the society. Ld. Counsel thus, submitted that the 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.

3. *Per contra* Ld. Addl. PP for the State along with IO SI Rajibr Singh 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 along with IO further submitted that in the present matter, commercial quantity of the contraband has been recovered. Ld. Addl. PP further submitted that the investigation is still at an initial stage and the chargesheet is yet to be filed and therefore, if he is granted bail, he may flee from criminal justice system. Thus, the applicant/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.

6. During the course of arguments, it was brought to the notice of this court that this is the 2nd regular bail application moved by the applicant/accused. The first bail application was dismissed by this court on 21.11.2025. It has been submitted by Ld. Addl PP for State that no change of circumstances has been brought forth by the learned counsel for applicant/accused to enable this court to pass the order on the successive bail application listed today for hearing since the investigation of the present case is still on going and the chargesheet of the present case is yet to be filed.

7. Further, during the course of arguments, it was brought to the fore that in the present case, the recovery of the alleged contraband is of commercial in nature i.e. 57 grams of 'MDMA' and therefore, the embargo of Section 37 NDPS Act is applicable in the present case, and as reported by the IO, further investigation of the present case has not yet been completed and the chargesheet is yet to be filed. Besides that, the allegations against the applicant/accused are very serious in nature and the possibility of tampering with the evidence and fleeing from criminal justice system also cannot be ruled out.

8. In the aforementioned circumstances, taking into the account the gravity of the offence, the role attributed to the accused herein, the fact that there is no change in circumstances since the dismissal of the previous regular bail application of the applicant/accused since the investigation of the present case is still on going and the chargesheet is yet to be filed before the court and further, the allegations against the applicant/accused are very serious in nature, and furthermore, the alleged contraband recovered in the matter is of commercial quantity and therefore, the embargo of Section 37 NDPS Act is very much applicable in the present case, I am of the opinion that bail ought not to be granted to the accused Ameen at this juncture. Accordingly, the present bail application is hereby dismissed.

9. Needless to say, the abovementioned 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.

11. Copy of the order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /23.01.2026