

SC No. 976/2026
STATE Vs. Preeti @ Prito
FIR No.155/2026
PS Pahar Ganj

02.07.2026

Present: Sh. K. P. Singh, Ld. Addl. PP for State.
Sh. P. K. Garg, Ld. Counsel for accused/applicant.

1. Reply filed by the IO. Copy has already been supplied.
2. By way of the 2nd Bail Application, the applicant/accused namely Preeti @ Prito D/o Sh. Vijay Kumar seeks grant of regular bail in the subject FIR, registered under the relevant provisions of NDPS Act, PS Pahar Ganj, Delhi.
3. Ld. Counsel for the applicant/accused submits that the applicant/accused, who is a female, aged about 28 years, has been falsely implicated in the instant FIR and that the alleged recovery has been planted upon her. It has been argued on behalf of the applicant/accused that for the sake of arguments, if it is admitted that upon receipt of secret information, the applicant/accused was apprehended at the spot, on the basis of suspicion, as has been claimed by the prosecution, then admittedly only 8 Grams of Smack/contraband is alleged to have been recovered from his possession, and which, indisputably is intermediate quantity of the contraband, in terms of relevant provisions of NDPS Act and therefore, the Bar of Section 37 of NDPS is not attracted to the subject FIR. It has been submitted

that the accused is in custody since 25.03.2026 and therefore, as on date, the accused has already suffered incarceration of more than 03 months. It has been submitted that continued pre-trial detention of the accused is against the settled principles of criminal jurisprudence. On the basis of above submissions, it is prayed that the applicant/accused may be admitted to bail and she be released from custody.

4. On the other hand, Ld. Addl. PP for the State has opposed the bail application by submitting that approximately 08 Grams of Smack/Contraband was recovered from the possession of the applicant/accused, which is 'intermediate quantity', as is evident from the record of proceedings carried out under Section 52A of NDPS Act before the Court of Ld. Magistrate. He submits that though the bar of Section 37 of NDPS Act is not attracted in the facts of the subject FIR, however, the accused/applicant has also been found to be involved in some other criminal cases, registered under relevant provisions of IPC and the said fact ought to be considered before enlarging the accused on bail. On the basis of above submissions, it is prayed on behalf of the State that the instant bail application be dismissed.

5. Submissions heard. Record perused.

6. In the present case, the allegations against the applicant/accused is that of illegal trafficking of around 8 Grams of Smack, which was allegedly recovered from the possession of the applicant/accused. As on date, the investigation of the subject

FIR has since been concluded and chargesheet has already been filed in the Court. The matter is at the stage of consideration on point of framing of charge. At the same time, it is revealed from the reply filed by the IO that apart from the subject FIR, the applicant/accused has not been found to be involved in any other case, pertaining to / involving illegal trafficking of drugs. The mere fact that apart from the subject FIR, the applicant/accused was found to be involved in some other case(s), pertaining to offence(s), registered under relevant provisions of IPC is not a ground for denial of bail (*Reference Prabhakar Tewari Vs. State of UP, AIR OnLine 2020 Supreme Court 96, Abhimanue Vs. State, 2024 SCC OnLine SC 3763*).

7. In view of the above discussion, especially considering the fact that the applicant/accused, who is just above 28 years, that she is in custody since 25.03.2026, that around 8 Grams of contraband, which is intermediate quantity has been allegedly recovered from her possession, the instant bail application of the applicant/accused namely Preeti @ Prito D/o Sh. Vijay Kumar stands allowed and she is admitted to bail on furnishing personal bond in the sum of Rs.25,000/- with one local surety in the like amount and subject to the following conditions that: -

(i) That applicant/ accused shall not, directly or indirectly, make any inducement, threat or promise to the complainant or any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(ii) That applicant/ accused shall upon his release

provide his mobile number to the IO/ SHO and keep his such mobile 'Switch On' at all times.

(iii) That applicant/ accused shall intimate to the IO/ SHO about any change in his mobile number or address;

(iv) The applicant/ accused will not influence the witnesses nor tamper with any evidence;

(v) That applicant/ accused shall not leave the country without permission of the Court;

(vi) That applicant/ accused shall appear on each and every date of hearing before the Court.

Application stands disposed of accordingly.

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 as well as to the Ld. Counsel for applicant/accused and be communicated to the applicant/ accused through Jail Superintendent for information.

(PUNEET NAGPAL)
Special Judge (NDPS),
Central,THC, Delhi/02.07.2026