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* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Reserved on: 26.05.2026**Pronounced on: 30.05.2026**Uploaded on: 30.05.2026*

+ BAIL APPLN. 1661/2026

[REDACTED]

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Shivanshu Yadav, Mr. Manninder Singh and Mr. Ujjwal Pandey, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Puneett Singhal, SPP along with Ms Yashi Pandey, Advocate. IO/ACO Sunil.

CORAM:**HON'BLE MR. JUSTICE PRATEEK JALAN****J U D G M E N T**

1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioner seeks regular bail in connection with C.No. VIII(AP)10/P&I/5480-D/Arrival/2025, registered at IGI Airport, New Delhi, under Sections 8, 20(b), 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"].

2. I have heard Mr. Rahul Sharma, learned counsel for the petitioner and Mr. Puneett Singhal, learned Special Public Prosecutor for the State.

A. PROSECUTION CASE

3. The case of the prosecution, as it emerges from the material on record, is as follows;

- a. On 08.11.2025, the petitioner, who was travelling from Bangkok to Delhi [Flight No. AI 2335], was intercepted at Terminal 3, IGI



Airport, Delhi, while she was approaching the exit, on the basis of spot profiling.

- b. She was thereafter taken for scanning of her baggage through an X-Ray machine in the presence of Custom Officers. Upon scanning, suspicious images were seen, and the petitioner was asked to pass through a Door Frame Metal Detector. Although nothing was revealed, due to the unusual behavior of the petitioner, she was taken for a personal search.
- c. The petitioner was served notices dated 09.11.2025 under Section 102 of the Customs Act, 1962 [“the Customs Act”], and Section 50 of the NDPS Act. Pursuant to her giving consent for search in the presence of a Gazetted Officer of Customs, the petitioner’s baggage and person were searched.
- d. The baggage search of the petitioner led to recovery of a boarding pass, passport, one dark grey coloured trolley bag containing 20 polythene packets containing green coloured substance, one ID Card with National Investigating Agency [“NIA”] credentials, two mobile phones and currency.
- e. During investigation, the petitioner stated that she is a NIA Officer working as Deputy Superintendent, International Cooperation Division. Upon verification from the NIA Office, the petitioner’s ID Card alongwith NIA jacket which were seized during investigation, were found to be fake.
- f. The gross weight of the total contraband recovered from the 20 polythene pouches was 10.062 kgs, excluding the weight of the



concealing material. The substance was seized under Section 43(a) of the NDPS Act. Upon testing of the material, the substance was found to be positive for *Ganja/Marijuana*.

- g. On 09.11.2025, the petitioner provided her voluntary statement under Section 67 of the NDPS Act, wherein she *inter alia* stated that the *Ganja* recovered from the baggage did not belong to her, and she was carrying the bag on the instructions of one Mr. Ali. She stated that Mr. Ali informed her that she will be given a government ID, and will be required to make 4-5 foreign trips, for which she would be well compensated. Mr. Ali thereafter booked her tickets from Bangkok to Delhi and introduced her to one Mr. Arun, who handed over a jacket bearing the NIA logo, NIA ID Card and the bag containing the contraband. She stated that she had done the same exercise on three earlier occasions and was paid Rs.50,000/- for each delivery.
- h. The petitioner was arrested on 09.11.2025.
- i. A second statement of the petitioner was recorded on 09.12.2025. Upon being shown pictures of two individuals taken from her phone, she identified them as Meenal and Mehar. She stated that she had travelled with them thrice in the past. The first time was on 14.10.2025, when they travelled to Bangkok from Mumbai Airport and returned to Delhi Airport on 16.10.2025 with one bag each, and handed over the bags at the reception of Hotel Lemon Tree, Aerocity, New Delhi, as instructed by Mr. Ali. The second time, they travelled from New Delhi to Bangkok and returned to Delhi



on 20.10.2025 with one bag each, and repeated the same handing over exercise. The third time, they travelled from Mumbai to Bangkok and returned to Delhi on 27.10.2025, and went to Hotel Pride Plaza and handed over the bags at the reception. She further stated that she had initially met Mr. Ali six years ago at an event in Pune, and he only contacted her recently after getting her number from a mutual friend.

- j. The General Manager, Hotel Lemon Tree, Aerocity, confirmed that the petitioner, alongwith her associates, had stayed at the hotel from 16.10.2025 to 17.10.2025 and 20.10.2025 to 21.10.2025, which was further corroborated by CCTV footage. Hotel Pride Plaza also confirmed their stay from 27.10.2025 till 28.10.2025, which has also been corroborated by CCTV footage.
- k. It is stated that Mehar and Meenal have not yet joined investigation, and non-bailable warrants have been issued against them.
- l. Based upon the petitioner's statement on 09.11.2025, the bank statements of one Mayur Deepak Raut were perused, and it was found that Rs.90,000/- was deposited in the account on 17.10.2025 in two installments allegedly by Mr. Ali at the request of the petitioner.
- m. On the basis of the above, chargesheet was filed under Sections 8, 20B, 23 and 29 of NDP Act read with Sections 204, 205, 319, 226, 337 and 339 of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
- n. Charges have been framed against the petitioner, *vide* order dated



05.05.2026 of the Special Court, under Sections 8, 20(b) and 23 of the NDPS Act and Sections 204, 205, 337 and 339 of BNS. A copy of the order on charge has been handed up in Court and is taken on record.

4. The Nominal Roll reflects that, as of 11.05.2026, the petitioner had been in judicial custody for a period of 6 months and 6 days. She has thus now been in custody for a period of 6 months 25 days.

5. The petitioner had earlier filed a bail application before the Special Court, which was dismissed *vide* order dated 28.03.2026. The Special Court *inter alia* held that the manner in which the petitioner was apprehended with contraband is grave in nature, and possibility of the petitioner fleeing from justice cannot be ruled out.

B. SUBMISSIONS BY LEARNED COUNSEL FOR THE PARTIES

6. Mr. Sharma, in support of the application, submitted that the allegation in the present case pertains to possession of intermediate quantity of *Ganja*, and the strict rigours of Section 37 of the NDPS Act will not apply.

7. As far as allegations pertaining to impersonation of a public servant is concerned, Mr. Sharma submitted that the maximum sentence under Section 204 and 205 BNS is three years, whereas under Section 337 and 339 BNS is seven years, and the petitioner has already been in custody for a period of over six months. The chargesheet stands filed, none of the 16 prosecution witnesses have been examined, and the trial is thus likely to take considerable time.

8. Mr. Sharma submitted that the petitioner is HIV positive and is



severely immunocompromised. She requires uninterrupted antiretroviral therapy and constant medical supervision. To this effect, he relied upon a medical certificate dated 13.05.2026 and other medical documents annexed therewith.

9. Mr. Singhal, on the other hand, submitted that the allegations against the petitioner are serious. The petitioner was caught at the airport attempting to import over 10 kgs of *Ganja*. She was also impersonating an NIA Officer in order to evade detection. A NIA jacket, as well as NIA ID Card was recovered from her. She has, therefore, been charged with offences under BNS as well. He relies upon a judgment of a coordinate Bench of this Court in *Naresh Mahato v. State of NCT of Delhi*¹, wherein this Court denied bail in a case of impersonation of a Directorate of Enforcement officer. Mr. Singhal further submitted that, although the quantity of contraband recovered is intermediate, the petitioner is a leader of a syndicate.

10. With regard to the medical condition of the petitioner, Mr. Singhal submitted that adequate facilities are available through the jail authorities, to take care of her medical requirements. He relied upon a judgment of the Supreme Court in *State of Meghalaya v. Lalrintluanga Sailo & Anr.*², wherein the Supreme Court cancelled bail granted to an HIV positive accused, in a case under the NDPS Act. Lastly, Mr. Singhal submitted that the investigation revealed links to two other persons and prior trips, for which investigation is still pending, as the other two have still not joined investigation.

¹ BAIL APPLN. 3061/2023, decided on 14.2.2024 [hereinafter, “*Naresh Mahato*”].



C. ANALYSIS

11. It is the admitted position that the quantity of *Ganja* allegedly recovered from the petitioner is 10.062 kgs, which falls in the intermediate quantity category [2kgs to 20kgs]. The recovery in the present case was thus far short of a commercial quantity. The stringent conditions prescribed under Section 37 of NDPS Act, therefore, do not apply.

12. Charges have been framed, but recording of evidence is yet to commence. In the meanwhile, the petitioner, who is immunocompromised, has already spent over six months in custody.

13. The contention of Mr. Singhal that the petitioner was the leader of the alleged syndicate does not, *prima facie*, appear to be borne out from the material placed on record. Even as per the prosecution case, the petitioner was allegedly acting under the instructions of one Mr. Ali.

14. Insofar as the petitioner's medical condition is concerned, it is not disputed that the petitioner is HIV positive. In support thereof, the petitioner has placed on record a medical certificate dated 13.05.2026 alongwith other supporting medical documents. Pursuant to order of the Court, the respondent has also produced a letter dated 19.05.2026, verifying the authenticity of the said medical records. The medical condition of the petitioner, including the fact that she is immunocompromised and requires uninterrupted medical care and antiretroviral therapy, is also a relevant consideration while adjudicating the present application for bail.

² Special Leave to Appeal (Crl.) No. 16021/2023.



15. Mr. Singhal relied upon the decision of the Supreme Court in *Lalrintluanga Sailo* to contend that an accused cannot be granted bail merely on the ground of being HIV positive. However, the said judgment is distinguishable on facts, inasmuch as it pertained to recovery of a commercial quantity of contraband. It is in that context, that the Supreme Court distinguished *Bhawani Singh v. State of Rajasthan*³, in which bail had been granted on the ground that the applicant was suffering from HIV and appeared to be immunocompromised. In *Lalrintluanga Sailo*, the Court held that being HIV positive alone would not justify bail, without satisfaction of the stringent conditions under Section 37 of NDPS Act. In the present case, in contrast, the allegations pertain to an intermediate quantity, and therefore, the rigours of Section 37 of NDPS Act are not attracted.

16. While these factors inure in the petitioner's favour at this stage, Mr. Singhal emphasised the allegations pertaining to impersonation of a government officer, for which charges have been framed under Sections 204, 205, 337 and 339 of the BNS.

17. The allegation of impersonation of law enforcement officers is, in my view, a significant factor against the petitioner in this case. However, on balance, I am not inclined to decline bail solely on this ground. The maximum punishment prescribed under Sections 204 and 205 is imprisonment for three years, whereas the offences under Sections 337 and 339 are punishable with imprisonment up to seven years. The allegations are yet to be tested at trial, and the petitioner has already

³ 2022 SCC OnLine SC 1991.



remained in custody for more than six months. As noted above, the trial is likely to take considerable time, particularly as none of the 16 prosecution witnesses have been examined thus far.

18. Mr. Singhal's reliance on *Naresh Mahato* also does not commend to me, as each case has to be seen in its own facts and circumstances. In that case, the allegation was of extortion by impersonation of an ED official, and there was no countervailing medical circumstance.

19. Taking all the relevant factors into account, particularly the intermediate quantity of *ganja* involved, thus rendering Section 37 of the NDPS Act inapplicable, the stage of proceedings, maximum sentence for the offences charged, and the petitioner's serious medical condition, on balance, I am of the view that it is not appropriate to deprive her further of her liberty pending trial.

D. CONCLUSION

20. It is therefore directed that the petitioner be released on regular bail in connection with C.No. VIII(AP)10/P&I/5480-D/Arrival/2025, registered at IGI Airport, New Delhi, under Sections 8, 20(b), 23 and 29 of the NDPS Act, subject to furnishing a personal bond in the sum of Rs. 50,000/-, with one surety in the like amount, to the satisfaction of the concerned Duty Magistrate/Special Court, and subject to the following further conditions:

- a. The petitioner shall appear before the Special Court on each and every date of hearing fixed, unless specifically exempted.



- b. The petitioner shall deposit her passport with the Special Court, and shall not leave the country without prior permission of the Special Court.
 - c. The petitioner shall ordinarily reside at the address as per prison records, and shall not change the address without prior intimation to the concerned Investigating Officer [“IO”]/ Station House Officer [“SHO”].
 - d. The petitioner shall furnish her mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.
 - e. The petitioner shall report to the jurisdictional Police Station near her place of residence every Monday at 04:00 PM, and will be released within two hours, after completion of formalities.
 - f. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever.
 - g. The petitioner shall not commit any offence during the pendency of the proceedings.
21. The bail application is disposed of in terms of the above.
22. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall



they prejudice the rights and contentions of the parties at any stage of the proceedings.

23. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

MAY 26, 2026
SS/AD/

PRATEEK JALAN, J