



\$~1

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1657/2025**

**SHANKAR PAL**

.....Petitioner

Through: Mr. Shankar Pal, Advocate.

versus

**STATE GOVT OF NCT OF DELHI**

.....Respondent

Through: Mr. Manoj Pant, APP for State with  
SI Dhananjay Kumar

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**28.10.2025**

%

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR No. 297/2023, registered at Police Station Chhawala, Delhi, for commission of offence punishable under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').

2. The brief facts of the case, as per the prosecution, are that on 25.07.2023, a secret informer had apprised HC Jagat Singh of AATS Dwarka that two persons were engaged in the illicit trade of *ganja* and were expected to come out, at around noon, to deliver the contraband. Acting on this information, a raiding team comprising HC Jagat Singh, HC Inder, and HC Sandeep was constituted under the supervision of ACP, AATS Dwarka. At about 12:25 PM, two individuals carrying plastic *kattas* were seen and



subsequently identified as Shankar Pal (the applicant herein) and Suresh Sahani (co-accused, since deceased). From the possession of the applicant, two *kattas* marked 'A' and 'B' were recovered, containing 11.100 kg and 11.200 kg of ganja respectively (i.e. total 22.300 kgs). From co-accused Suresh Sahani, two *kattas* marked 'C' and 'D' were seized, containing 11.300 kg and 11.250 kg of *ganja* respectively (i.e. total 22.550 kgs), totaling approximately 44.850 kg, which constitutes a commercial quantity. On the applicant's disclosure statement, another accused, Raju, was apprehended with 5.150 kg of *ganja*. The applicant was arrested on the same day and has been in judicial custody since 25.07.2023

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and that the alleged recovery is fabricated. It is argued that despite sufficient opportunity, no independent witness was associated with the recovery proceedings, which were conducted in a public locality. Furthermore, neither videography nor photography of the proceedings was carried out, despite the availability of adequate time and technological means. It is further argued that the mandatory provisions of the NDPS Act were not strictly adhered to, thereby casting serious doubt on the authenticity of the alleged recovery. It is contended that the applicant has already undergone more than 2 years of incarceration, the trial however is still at an initial stage, and his continued detention amounts to a violation of his fundamental right guaranteed under Article 21 of the Constitution of India. Therefore, it is prayed that he should be enlarged on bail.



4. The learned APP for the State argues that the applicant was apprehended red-handed in possession of a commercial quantity of *ganja*, thereby attracting the rigours of Section 37 of the NDPS Act. It is further argued that the provisions of Section 50 of the NDPS Act were duly complied with, as the search of the petitioner was conducted in the presence of a Gazetted Officer, i.e. ACP, Chhawala. The non-association of independent public witnesses, it is argued, is not fatal to the prosecution case, as members of the public generally refrain from joining such proceedings. The learned APP for the State further argues that the absence of videography or photography has caused no prejudice to the applicant, and that he has failed to satisfy the twin conditions prescribed under Section 37 of the NDPS Act. Accordingly, the grant of bail is strongly opposed.

5. This Court has **heard** arguments addressed on behalf of learned counsel of both parties and has perused the material available on record.

6. This Court, after perusal of the material available on record and upon enquiry from the Investigating Officer, notes that the applicant/accused has clean antecedents and has no previous involvement in any other criminal case.

7. This Court is also mindful of the fact that out of a total of 17 prosecution witnesses, only 6 have been examined so far during the course of trial. It is further noted that the applicant/accused has been in judicial custody since 04.08.2023, i.e. for a period of about 2 years and 3 months. Considering the pace at which the trial is proceeding, it is evident that the examination of the remaining witnesses is likely to take a considerable amount of time. It is also taken into consideration by this Court that there are



no independent witnesses who have to be examined in the present case. Therefore, the possibility of the applicant/accused tampering with or influencing the witnesses stands substantially ruled out.

8. Further, it is also considered by this Court that the co-accused Suresh Sahni, from whom commercial quantity was recovered, passed away during the trial, and the other co-accused Raju, from whom intermediate quantity of *ganja* was recovered, has been granted bail in the same case *vide* order dated 19.07.2024. It is also material to note that though the quantity of *ganja* recovered from the applicant is of commercial nature, it is only about 2 kgs more than the threshold of commercial quantity of *ganja* which is 20 kgs.

9. Therefore, considering the peculiar facts and circumstances of the case, and the fact that the present accused/applicant has been in judicial custody since 04.08.2023, and one co-accused has unfortunately passed away and one has been granted bail, the fact that applicant has no previous involvement, and that trial will take substantial time to conclude, this Court is of the view of that twin conditions under Section 37 of NDPS Act are *prima facie* satisfied at this stage. Therefore, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall surrender his passport and not leave the country without prior permission of the concerned Court.
- ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses, or tamper with the evidence in any



manner.

- iii) The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
  - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
  - v) The applicant shall appear regularly before the learned Trial Court.
10. Accordingly, the present application stands disposed of.
11. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
12. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**OCTOBER 29, 2025/ss**