



\$~8

\*

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

#

**CNR No. DLHC010264252026**

+

BAIL APPLN. 2314/2026, CRL.M.A. 18223/2026

MANISH KUMAR PRASAD

.....Applicant

Through: Mr. J.S. Arya, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma APP for  
State

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**  
**09.09.2026**

%

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in FIR No.537/2025 dated 01.09.2025 registered at PS.: Keshav Puram under *Sections 20/25/29* of the Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**).

3. Briefly put, as per prosecution, on 01.09.2025 at around 12:40 PM, the Police on patrol duty intercepted one *Scooty TVS Ntorq No.DL11N7924 (Scooty)* ridden by two boys including the present applicant on the Main Road, Keshav Puram, Delhi and upon their search recovery of 21.20 kgs of *Ganja* was effected. Hence, the aforesaid FIR came to be registered and the applicant was arrested.

4. In this factual backdrop, this Court has heard learned counsel for the applicant and learned APP for State, as also gone through the materials on record.

5. As borne out, though a recovery of commercial quantity of *Ganja*



being 21.20 kgs has been effected from the co-accused Ravi Kishan Kumar Ram and the present applicant, which on the face of it, may seem to fall within the contours of *Section 37* of the NDPS Act, however, as apparent from the chargesheet, the recovered quantity not only comprised ‘*flowering or fruiting tops*’, but was a mixture of ‘*leafy, seed-bearing, grass-like substance*’ as well, which do not fall within the definition of ‘*Ganja*’ as provided under *Section 2(iii)(b)* of the NDPS Act. Thus, the applicability of *Section 37* of the NDPS Act, in the present facts and circumstances, is doubtful.

6. In fact, it also entails therefrom that the quantity recovered contained a mixture of ‘*leafy, seed-bearing, grass-like substance*’, and the composition of ‘*flowering or fruiting tops*’ is likely to be well below the threshold of commercial quantity.

7. Moreover, though the chargesheet in the present matter has already been filed and conclusion of trial is likely to take some time. Also, the applicant has been languishing in judicial custody since 01.09.2025 i.e. more than *one year* as on date and his conduct is “*Satisfactory*” as per the Nominal Roll.

8. Lastly, though this Court is mindful of the fact that the applicant is also involved in *one (1)* more FIR under the NDPS Act, however, considering that the applicant has been released on bail therein and taking a holistic view of the surrounding circumstances, and as held in ***Prabhakar Tiwari vs. State of U.P. & Anr.: (2020) 11 SCC 648***, mere involvement in other offences cannot be the sole ground for denial of bail to the applicant.



9. Accordingly, the present application is allowed and the applicant be released on regular bail in FIR No.537/2025 dated 01.09.2025 registered under *Sections 20/25/29 NDPS Act* at PS.: Keshav Puram subject to him furnishing a personal bond in the sum of Rs.20,000/- [*Rupees Twenty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:-

- i. Applicant shall not leave the State of Bihar without prior permission of this Court and shall ordinarily reside at the address as per prison records and shall surrender his Passport, if any, to the IO within a period of *three days*.
- ii. Applicant shall appear before the learned Trial Court if, as and when called for.
- iii. Applicant shall provide his mobile number to the IO concerned which shall be kept in working condition at all times.
- iv. Applicant shall report to the SHO at nearest PS in Bihar where he is residing *once* every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
- v. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

10. Copy of this order be sent to the concerned Trial Court as also Jail Superintendent for information and compliance.



11. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved.
12. The application is accordingly disposed of.

**SAURABH BANERJEE, J**

**SEPTEMBER 9, 2026/Ab/DA**