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4. Broadly speaking, the prosecution case is as follows. On 28.04.2026, the patrolling team comprising of two Head Constables noticed a person, standing in a suspicious manner in a secluded, tree covered area. On noticing the police officials, the said person tried to conceal something carried by him in white plastic polythene. On being apprehended by those police officials that person introduced himself as Sanjay and the white plastic carried by him was found to contain 1.228 kg *ganja*. Sanjay was arrested and in his confessional statement recorded while in police custody, Sanjay disclosed that he was engaged in sale of *ganja* which used to be procured by him from the present accused/applicant and one Nazim. On the basis of that statement of Sanjay, the police arrested the present accused/applicant and found in her mobile phone a number of credit transactions ranging from Rs.100/- to Rs. 300/-.

5. It is submitted by learned counsel for accused/applicant that she is innocent and has been falsely implicated in this case with no material against her. It is also submitted by learned counsel for accused/applicant that she is at advanced stage of pregnancy, which in itself would be a ground to release her on bail. Learned counsel for accused/applicant also claims that Sanjay was initially apprehended and let off without any statement on record and it is only later on that he was again apprehended.

6. Learned APP for State opposes the bail application on the ground that though there was no recovery from the present accused/applicant, but the



fact that she received multiple payments from Sanjay shows that she is the supplier. The claim of prosecution that the accused/applicant is supplier of *ganja* is also sought to be established with the help of two audio recordings of the accused/applicant.

7. Admittedly, the *ganja* allegedly recovered from Sanjay was not a commercial quantity, so the twin conditions stipulated under Section 37 NDPS Act do not come into play. The small quantity of *ganja* is 1 kg while commercial quantity of *ganja* is 20 kg. The *ganja* allegedly recovered from Sanjay was 1.228kg, i.e., slightly above the small quantity. But so far as the accused/applicant is concerned, admittedly, nothing was recovered from her.

8. As regards the payments allegedly received by the accused/applicant from co-accused Sanjay, as mentioned above, those payments are of the range between Rs.100/- to Rs.300/-. One wonders as to why the persons dealing in contraband would transact through online banking system instead of cash. One also wonders as to why the alleged supplier would accept such petty amounts instead of taking complete lump sum cost of the contraband supplied.

9. So far as the audio recordings are concerned, the forensic analysis is yet to commence, but even if that is voice of the accused/applicant, there is nothing at all to infer any conversation regarding dealing with the contraband. Merely because the accused/applicant has used filthy language



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in the recordings, one should not infer complicity in such offence.

10. It is not denied that the accused/applicant is at advanced stage of pregnancy.

11. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant.

12. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to her furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court. Accompanying application also stands disposed of.

13. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

14. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

15. At request of Investigating Officer, it is directed that the accused/applicant shall join investigation as and when directed by the Investigating Officer in writing.

**GIRISH
KATHPALIA**
**GIRISH KATHPALIA
(JUDGE)**

Digitally signed by GIRISH KATHPALIA
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JULY 20, 2026/as