



\$~4

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

CNR No. DLHC010184842026

+ **BAIL APPLN. 1655/2026**

RAVI@SUNNY

.....Petitioner

Through: **Mr. Rishi Pal Singh, Advocate.**

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: **Ms. Akhand Pratap Singh, ASC with
Mr. Hritvik Maurya and Ms. Lisa
Pegwal, Advocates for State.
Insp. Ritesh, Outer Dist.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

14.09.2026

1. The applicant by way of the instant application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeks regular bail in connection with FIR No. 0186/2025 registered at Police Station Sultanpuri, Delhi for offences under Sections 21/22/25/29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and Section 238 of the Bharatiya Nyaya Sanhita, 2023 (BNS), Section 18 (c) of the Drugs & Cosmetics Act, 1940 and Sections 3/4 of the Maharashtra Control of Organised Crime (MCOC) Act, 1999.

2. Learned counsel appearing for the applicant submits that the applicant is in jail and has been granted interim bail from time to time. It is pointed



out that, as per the last order dated 28.07.2026 passed by this Court, the interim bail continues till today.

3. It is further pointed out by learned counsel for the applicant that the applicant was granted pardon by the Court of competent jurisdiction on 08.04.2026. He, thereafter, is no more accused in the instant case and has assumed the status of an approver.

4. The aforesaid submissions are not opposed by learned counsel who appears for respondent - State. He, however, points out that when the applicant is no longer an accused, an application seeking regular bail under Section 439 of the Code of Criminal Procedure (Cr.P.C) corresponding to Section 483 of the BNSS, would not be maintainable. It is further submitted that the applicant should have filed the petition as 'CRL. M. C.'.

5. At this stage, learned counsel for the applicant prays that his present application may be treated as a petition under Section 482 of the Cr.P.C. corresponding to Section 528 of the BNSS, and submits that the Court is fully empowered to exercise the said jurisdiction.

6. It is, thus, submitted that, in the aforesaid circumstances, the applicant should not be subjected to further incarceration.

7. I have considered the submissions made by learned counsel for the parties and have perused the record.

8. The oral request made by learned counsel for the applicant is accepted. The present petition is treated as having been filed under Section 439 read with Section 482 of the Cr.P.C., corresponding to Sections 483 read with 528 of the BNSS.

9. It is a settled position of law that the statutory bar against releasing an approver on bail under Section 343(4)(b) of the BNSS, 2023 [corresponding



to Section 306(4)(b) of the Cr.P.C., 1973] operates exclusively against the Trial Court. Reaffirming this principle, a Coordinate Bench of this Court in ***Amit Chakraborty v. State (NCT of Delhi)***¹, held as under:

“13. However, there are catena of judgments authored by Coordinate Benches of this Court as well as other High Courts which unanimously hold that the bar under Section 306(4)(b) of Cr.P.C. to release or grant bail to an approver who has been granted pardon is limited to the Trial Courts, and the High Court, exercising its inherent powers under Section 482 of Cr.P.C., can order the release of an approver from detention in appropriate cases.”

10. Consequently, the bar under Section 343(4)(b) of the BNSS does not restrict the wide, inherent jurisdiction of this Court under Section 528 of the BNSS to prevent abuse of the process of any court or otherwise to secure the ends of justice. In a case where the applicant has already been granted pardon and has assumed the status of an approver, continued detention solely on account of a procedural statutory bar before the Trial Court would cause grave hardship and result in unnecessary incarceration. Therefore, this Court is of the view that he should not be subjected to further incarceration.

11. In view of the facts, the application stands allowed. The applicant is directed to be released on regular bail, subject to such conditions as may be imposed by the Trial Court.

12. The application stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 14, 2026

aks/mh

¹ 2024:DHC:3642