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

+ **BAIL APPLN. 3866/2025**

RAJ BHAN

.....Petitioner

Through: Mr. Shakeel Ahmed Saifi, Adv.

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for State
with SI Jagbir Khatri, Anti Narcotics
Cell, North.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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19.11.2025

1. The present petition has been filed praying for grant of interim bail for a period of 60 days on medical condition in connection with FIR No. 305/2025 under Section 21/29 NDPS Act registered at PS Kotwali.
2. Mr. Shakeel Ahmed Saifi, learned counsel appearing on behalf of the petitioner submits that four persons have been arrayed as accused in the present petition and two have already been granted regular bail by this Court. Elaborating on his submission, he submits that co-accused Mohd Nasrul who is similarly placed as petitioner was granted bail *vide* order dated 04.11.2025 passed in Bail Appln. 2718/2025. He therefore, urges that the present petition may be treated as the petition for grant of regular bail. He further contends that the petitioner is suffering from a medical condition.
3. This Court had ordered for furnishing of medical status report, the same is on record. A perusal of medical status report, as well as the



supplementary status report handed over in Court today across the bar, which is taken on record, shows that the petitioner is a known case of HIV (PLHA) and is on a TLD-based antiretroviral regimen. He also has a history of Hepatitis-C infection with sustained virological response (SVR). Additional, he was clinically and radiologically diagnosed with tuberculosis and initiated on anti-tubercular treatment with HRZE. The petitioner had also been diagnosed of cryptococcal meningitis, for which he received treatment with liposomal amphotericin B (LAMB) and oral miltefosine.

4. Having regard to the medical condition of the petitioner and other reasons articulated by the learned counsel for the petitioners, the present petition is treated as one for regular bail.

5. The case of the prosecution is that on 02.04.2025 Head Constable-Naresh alongwith Constable Dharmendra and Constable Deepanshu were patrolling near metro gate No.1 at Kachha Bagh, Kotwali. They were tipped about the movement of three drug traffickers dealing in Narcotics and Controlled substances. Acting on the information, all the three accused persons namely (i) Uttam Singh, (ii) Mohd. Nasrul, and (iii) Rajbhan, (petitioner herein) were apprehended.

6. After following due procedure, search of the accused persons were conducted. Upon search, a recovery of 18 viles of Avil (10 ml each), 3 Dispovan needles and 31.74 gram of heroin was made from accused Uttam. From accused Rajbhan (petitioner herein), 13 viles of Avil (10 ml each), 3 needles and 18.03 gram of heroin was recovered. Likewise, from accused Mohd. Nasrul 11 viles of Avil (10 ml each) and 22.40 gram of heroin was recovered.

7. Mr. Shakeel Ahmed Saifi, learned counsel appearing on behalf of the



petitioner submits that the quantity of contraband recovered from the petitioner individually, as well as the recovery made from all the three accused persons taken together, is of intermediate quantity, therefore, Section 37 of NDPS Act is not attracted in the present case. He submits that the petitioner has been in custody since 02.04.2025.

8. On being queried, Mr. Tarang Srivastava, learned APP appearing on behalf of the State, on instructions from the Investigating Officer who is present in Court, fairly concede that that quantity recovered from the petitioner individually, as well as the recovery made from all three accused persons taken together is of intermediate quantity. Therefore, this Court is of the view that the rigors of Section 37 of NDPS Act are not applicable to the present case.

9. It is also not in dispute that there is no previous involvement of the petitioner either in NDPS case or other any criminal proceedings. It is also an admitted position that co-accused Mohd Nasrul, who is similarly situated as petitioner, has already been enlarged on bail.

10. In view of the above circumstances, and further regard being had to the medical condition of the petitioner, this Court is of the view that the petitioner is entitled to grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

(a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.



- (b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- (c) Petitioner shall not temper with evidence or communicate with or come in contact with the witnesses.

11. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

12. The application is disposed of.

13. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

14. Order *dasti* under signatures of the Court Master

VIKAS MAHAJAN, J

NOVEMBER 19, 2025

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