



2025:DHC:4146



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

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Date of Decision: 21.05.2025

+ **BAIL APPLN. 576/2025**

IRFAN KHAN

.....Petitioner

Through: Mr. Jitendra Sethi, Senior Advocate
with Mr. Hemant Gulati and Mr.
Shobit Damri, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. In furtherance of last order, updated status report dated 23.04.2025 was filed on behalf of the State and the same has been perused by me.

2. The accused/applicant seeks anticipatory bail in case FIR No. 292/2024 of PS Bhalswa Dairy for offences under Section 21/25/29 NDPS Act. According to the prosecution case, originally one Shoaib was arrested for being in possession of contraband and on his interrogation, the Investigating Officer reached Saddam, followed by few more persons including one Rafat. It is on the disclosure statement of the Rafat that the

BAIL APPLN. 576/2025

Page 1 of 3 pages



2025:DHC:4146



present accused/applicant was zeroed down but he could not be arrested as he absconded.

3. On last date, learned APP on instructions of IO had submitted that when police party went to arrest the accused/applicant, they were assaulted and in that regard FIR No.29/2025 was registered at PS Meerganj, Bareilly, Uttar Pradesh. It is in this regard that on last date, prosecution was granted an opportunity to file updated status report, which has now been filed. Learned APP refers to paragraph 7 of the said updated status report dated 23.04.2025, from which it appears that when the police team reached the house of the accused/applicant, 15-20 persons “gathered there and started a ruckus” and in the meanwhile, the accused/applicant fled away.

4. Admittedly, nothing incriminating was recovered from the possession or at the instance of the accused/applicant. The role ascribed to the accused/applicant is that he was involved in a conspiracy. But even in this regard, the Investigating Officer has failed to collect any material in the form of CDRs or bank transactions. Under similar circumstances, co-accused Dharamvir was granted anticipatory bail by the Court of Sessions.

5. Keeping in mind the aforesaid, I find no reason to deprive the accused/applicant liberty. The application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be immediately released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/-

BAIL APPLN. 576/2025

Page 2 of 3 pages



2025:DHC:4146



with one surety in the like amount to the satisfaction of the Investigating Officer/SHO. However, the accused/applicant shall join investigation as and when directed by the Investigating Officer in writing.

GIRISH
KATHPALIA

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**GIRISH KATHPALIA
(JUDGE)**

MAY 21, 2025/ry