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

+ **BAIL APPLN. 1154/2025**

FUZAIL KHALID SHEIKH

.....Petitioner

Through: Mr.N. U. Ahmed and Ms. Tanveer
Khan, Advs.

versus

**STATE GOVERNMENT OF NCT OF DELHI
& ANR.**

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with Mr. Vikrant Singh, Mr.
Chandrapal, Ms. Shimpi Chaudhary
and Mr. Manoj Kumar, Advs.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

22.05.2025

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1. By way of the present application, the applicant seeks grant of regular bail in FIR bearing no.200/2024, registered at Police Station Crime Branch, New Delhi for the commission of offences under Sections 20/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').
2. Briefly stated, the facts of the case are that on 07.10.2024, at about 2:00 PM, a secret information had been received by ASI Sanjeev Kumar that one Fuzail, resident of Pune, Maharashtra who works in a cafe in Kasol, Himachal Pradesh and deals in supply of Charas in Surat and Maharashtra, had reached Delhi with Charas and will board Maharashtra Sampark Kranti train No. 12908 for supplying Charas in Surat and if raid is conducted, he may be apprehended with Charas. It is stated that after compliance with



Section 42 of NDPS Act, a trap was laid at Hazrat Nizamuddin Railway Station, Delhi and the present applicant had accordingly been apprehended, and 807.5 gms of charas had been recovered from his bag.

3. The learned counsel appearing for the applicant submits that the mandatory requirements of the NDPS Act have not been fulfilled in this case. It is stated that even though the applicant herein had allegedly been apprehended at a Railway Station, which is a busy place, no public witnesses has been made a party to the proceedings. It is also pointed out that there are discrepancies in the time of recovery and there are unexplained delays in conducting the proceedings. He, therefore, states that the applicant herein is in judicial custody since last more than seven months, and thus, he be granted bail.

4. The learned APP for the State, on the other hands, states that Section 42 of the NDPS Act had strictly been complied with in this case. It is pointed out that the recovery was affected from the applicant herein and he was in touch with the co-accused Asma Ben Ansari. It is stated that the accused persons had been in constant touch with each other for last couple of months and on the date of recovery, three calls were made between them. It is pointed out that the accused persons used to receive money in the account of the applicant herein, sent by co-accused Asma Ben Ansari, through her acquaintance Hussain Sheikh. The learned APP for the State also mentions that the statement of Hussain Sheikh has been recorded, who has supported the case of the prosecution in this case and stated that with the instructions of co-accused Asma Ben Ansari, on 03.09.2024, he along with his cousin Mohammad Ayaz had sent a sum of ₹73,000/- to the account of the present applicant. The money trail has been mentioned in para 10 of the



Status Report, which reads as under:

SN	UPI Detail	Beneficiary account no.	Remitter account no detail	Date	Amount
1	UPI/424799539467/16 L5:50/UPI/sayaz2360@oksbi/U	44220100002102 Bank of Baroda (Fuzail Khalid Shaikh)	5046276563 (Md Ayaz, Surat)	3-9-24	25,000/-
2	UPI/424799712259/16:1 8:06/LrPI/sayaz2360@oksbi/U	44220100002102 Bank of Baroda (Fuzail Khalid Shaikh)	5046276563 (Md Ayaz, Surat)	3-9-24	25,000/-
3	UPI/424700732231/16:3 5:33/UPI/hasnainshaikh 6088@o	44220100002102 Bank of Baroda (Fuzail Khalid Shaikh)	5346449100 Md.Husnain, Sur a)	3-9-24	23,000/-

5. It is also stated by the learned APP for the State that the charge-sheet against the accused persons in this case has been filed. It is accordingly prayed that the bail application of the applicant be rejected.

6. This Court has heard the arguments of the learned counsel appearing for the parties and has perused the case file.

7. Having considered the material on record, this Court is of the view that the money transactions and the CDR point out that the present applicant was in constant touch with the co-accused persons. The statement of the witnesses and the money trail, which leads to the bank account also, at this stage, *prima-facie* supports the prosecution case.

8. The recovery of 807.5 grams of Charas i.e. intermediate quantity has been affected from the present applicant and the charges are yet to be framed in this case. The other irregularities being mentioned and discrepancies in



the statements of the witnesses or the time of recovery is a matter of trial and the same cannot be adjudicated at this stage.

9. Considering the overall facts and circumstances of the case, no ground for grant of bail is made out at this stage. The bail application is accordingly dismissed.

10. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 22, 2025/A

[Click here to check corrigendum, if any](#)