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

+ **BAIL APPLN. 2392/2025**

SAJID

..... Petitioner

Through: Mr. Karan Verma and Ms. Nayan
Maggo, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP with ASI Upender
Singh, Crime Branch.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **22.08.2025**

1. First Bail Application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'B.N.S.S.'), has been filed on behalf of the Applicant/Petitioner Sajid, for grant of Regular Bail in FIR No.0035/2025 under Sections 20/25/29 of NDPS Act, registered at Police Station: Crime Branch, Delhi.
2. It is submitted that as per the prosecution alleged version, the raiding team had apprehended a Car in which Alam and Rizwan were found sitting and 147.6 Kg. of Ganja was recovered. Pursuant to their disclosure statements, Rahul was arrested, though no recovery was affected from his possession. Thereafter, Nitesh @ Sonu was also arrested, from whom approximately 2 Kg. of Ganja was recovered. Thereafter, the Applicant Sajid was arrested on 03.05.2025 and since then he is in judicial custody.
3. It is submitted that only evidence against the Applicant is of financial transactions between him and the accused persons, CDRs and WhatsApp Chats between them. Bail is sought on the ground that nothing has been recovered from the Applicant and it is not a case under Sections 20/25/29



NDPS Act. His name was disclosed by co-accused Alam and Rizwan only and nothing was recovered from his possession. He himself surrendered before the Police officials, pursuant to Notice under Section 67 NDPS Act served upon him, but it has been intentionally shown as his arrest.

4. Reliance has been placed on Order dated 08.10.2024 passed by Co-ordinate Bench of this Court in BAIL APPLN. 1221/2024 titled as titled Mahesh vs. The State of NCT of Delhi, whereby in similar circumstances bail was granted to the Applicant therein. Reliance has also been placed on judgment passed by Hon'ble Bombay High Court in the case of Ibrahim @ Munna Sali Shaikh vs. State of Maharashtra, 1996 CRI LJ 1419, wherein the accused was in custody for over 09 years without trial.

5. It is further submitted that the Applicant is the sole earner of his family; therefore, keeping him behind the bars would put his family under the verge of starvation. The Applicant belongs to a respectable family and his custodial interrogation is also not required. He undertakes to abide by the conditions which may be imposed while granting bail and therefore, prayer is made to grant Regular Bail.

6. Learned counsel for the Applicant/Petitioner submits that co-accused Nitesh @ Sonu, from whom approximately 2 Kg. of Ganja was recovered, has been admitted to bail by the learned Sessions Judge on 27.07.2025 and co-accused Rahul has also been admitted to bail by the learned ASJ on 04.08.2025. Therefore, bail be granted to the Applicant.

7. **Status Report** filed on behalf of the State today in the Court be taken on record, wherein it is submitted that commercial quantity of the contraband, i.e. Ganja weighing 147.6 Kg. had been recovered from co-accused Alam and Rizwan and they two had given some part of Ganja,



which was available with them, to Nitesh @ Sonu, who was apprehended and approximately 2 Kg. Ganja was recovered from him. There is CDR connectivity, financial transactions and Whatsapp chats, which too establish the conspiracy *inter se* the Applicant and accused persons. Bail is therefore opposed on the ground that it is a case of conspiracy and recovery of 147.6 Kg. Ganja is deemed to frame the Applicant.

8. Reliance has been placed on State of Madhya Pradesh vs. Kajad, (2001) 7 SCC 673; Union of India vs. Rattan Malik @ Habul, (2009) 2 SCC 624; Union of India vs. Ram Samujh & Ors., 1999 (9) SCC 429; State of Kerala Etc. vs. Rajesh Etc., CRL.A.154-155/2020; State of NCT of Delhi vs. Mohd. Jabir, CRL.A.4931/2024; NCB vs. Mohit Aggarwal, (2022) 18 SCC 374; Amar Singh Ramji Bhai Barot vs. State of Gujarat, (2005) 7 SCC 550; Bhupinder Singh @ Bhinda vs. State of Punjab, 2004 SCC OnLine P&H 1011; Muthu Kumar & Ors. vs. Station House Officer, Kottakkal Police Station, (2008) SCC OnLine 100; Muhammed Sadath vs. State of Kerala, 2023 SCC OnLine Ker 1913; Rafiq vs. State (Govt. of NCT of Delhi), BAIL APPLN.3901/2020; Ishika vs. State, 2021 SCC OnLine Del 3131; Aakash Mehra vs. Narcotics Control Bureau, 2023 SCC OnLine Del 5597; Anita vs. State of NCT, BAIL APPLN.1538/2022; Anita @ Kallo vs. State, 2023 SCC OnLine Del 4178; Ridhm Rana vs. State (NCT of Delhi), 2022 SCC OnLine Del 771; Sheela vs. State Govt. of Delhi, 2023 SCC OnLine Del 6391; and Vicky Kaur vs. State of Punjab.

Submissions heard and record perused.

9. In the present case, admittedly nothing was recovered from the possession of the Applicant. The only evidence against him is the disclosure statement of co-accused Alam and Rizwan, financial transactions, CDRs and



Whatsapp chats between the Applicant and accused persons.

10. Co-accused Rahul having similar allegations has been granted bail and co-accused Nitesh @ Sonu, from whom approximately 2 Kg. Ganja was recovered, has also been granted bail.

11. Considering the totality of the circumstances and that the Applicant/Petitioner is in judicial custody since 03.05.2025, he is granted Regular Bail, on the following terms and conditions:

- a) The Applicant/Petitioner shall furnish a personal bond of Rs.50,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Applicant/Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing;
- c) The Applicant/Petitioner shall provide his mobile number/changed mobile number to the IO concerned, which shall be kept in working condition at all times;
- d) The Applicant/Petitioner shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses; and
- e) In case the Applicant/Petitioner changes his residential address, the same shall be intimated to learned Trial Court and to the concerned IO.

12. A copy of this Order be communicated to the concerned Jail Superintendent, as well as, the learned Trial Court.

13. Bail Application along with pending Applications is disposed of.

NEENA BANSAL KRISHNA, J.

AUGUST 22, 2025/R