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

+ **BAIL APPLN. 3209/2025**

**SHAMIM KHAN**

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate.

versus

**THE STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Ms. Richa Dhawan, APP for the State  
with SI Kartar Singh Rawat, Anti  
Narcotics Cell.

**CORAM:**

**HON'BLE MR. JUSTICE ARUN MONGA**

**ORDER**

**23.09.2025**

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1. Claiming himself to be falsely implicated, the applicant herein seeks indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 177/2022 dated 14.04.2022 for the offences punishable under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act'), registered at Police Station Narela.
2. Briefly speaking, per FIR, on 14.04.2022, upon receiving information from an informer regarding Aamna and Ravi supplying heroin, a raiding party was formed. Raid was conducted in which Aamna with 400 gm of Heroin and Ravi with 100gm of Heroin were apprehended and arrested.



2.1 Per chargesheet, during the course investigation, upon the disclosure statement of Co-accused Aamna who disclosed Imran as her supplier, the raiding team was constituted on 05.05.2022. Co-accused Imran @ Imu was apprehended along with 500gm Heroin which was recovered from his scooty, which he was riding at that time.

2.2 The accused Imran in his disclosure statement revealed that he sometimes procured heroin from Sarvesh through the applicant and co-accused Kalyan Ram. Once again, a raiding team was formed, which, on 08.05.2022, apprehended the applicant along with co-accused Kalyan Ram from Bareilly when they were in a Swift car. After informing them of their legal rights, a cursory search was conducted, but no drugs were found. On searching the Swift car, a black bag containing a waxy transparent bag tied with a rubber band was recovered, filled with brown powder. Field testing confirmed heroin weighing 700 grams. The contraband was marked, sealed with stamp, and seized along with the car. The applicant and co-accused Ram Kalyan were arrested and admitted in their disclosure that they supplied heroin for Sarvesh, who prepared it from raw material procured from Jharkhand, and that the 700 grams recovered had been taken from him to deliver to one Raju.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would submit that the applicant was arrested on 08.05.2022, about 3 years and 4 months. He would urge that prolonged incarceration itself constitutes a ground for bail.

4.1 He would also contend that the applicant is a young, peace-loving, and law-abiding citizen who has been falsely implicated in the present case.



No contraband has been recovered from the applicant, and there is no material connecting him to the alleged offence. The allegations against the applicant are therefore without any basis and lack substantive evidence.

4.2 Learned counsel for the applicant would contend that there is absolutely no direct or indirect connection between the applicant and the other accused persons named in the FIR. It is submitted that the applicant maintains no personal or professional association with them that could suggest involvement in the alleged criminal activity. Any attempt to create such a nexus is speculative, unsupported by corroboration, and appears to be a contrived effort to falsely implicate the applicant.

4.3 He would also argue that the co-accused person i.e. Kalyan Ram who was apprehended along with the applicant has already been enlarged on bail by this Court vide an order dated 16.09.2025 in Bail Application No. 4218/2025. Hence, the learned counsel for the applicant seeks parity by stating that the applicant's role is on the same footing as that of the aforesaid co-accused person.

4.4 Learned counsel for the applicant would contend that the prosecution's case rests solely on uncorroborated disclosure statements made by co-accused persons. Learned counsel would submit that such statements, in isolation and without independent corroboration, hold minimal evidentiary value and cannot be the sole basis to implicate an individual. Reliance on these statements exposes the inherent weakness and fragility of the prosecution's case.

4.5 Learned counsel for the applicant would also submit that, in the absence of any direct evidence, recovery, or credible material linking the applicant to the alleged offence, the investigation appears to be an attempt to



implicate the applicant without lawful justification. Therefore, prays for bail, as continued detention serves no legitimate purpose and would cause undue hardship to an innocent person.

5. Learned APP for the State would oppose the bail plea arguing that the applicant deserves no indulgence from this Court as commercial quantity of psychotropic substances is involved in the incident and there remains a genuine risk of him absconding or tampering with the evidence.

5.1 She would further submit that the car in which the contraband was being carried was registered in the name of the applicant and he used his car for drug trafficking.

6. Having heard, I am of the view that there may be some substance in some of the arguments on merits addressed by the learned counsel for the applicant but the same is matter of trial. However, I am of the view that at this stage, in light thereof, it is a fit case for bail. Let us see how.

7. No independent public witness was associated at the public bus stand, nor were reasons for their absence recorded; further, no videography, photographs, or CCTV footage was collected. The applicant had no contraband on him, as the alleged heroin was recovered from the car's trunk/dickey. Mere presence in the vehicle does not prove conscious possession, and no material links or communication with the co-accused have been produced to establish conspiracy.

8. The three co-accused Ravi, Imran and Amna who were implicated along with the applicant, have already been granted bail *vide* 02.11.2022, 18.07.2023 and, 24.07.2023 respectively by the learned Sessions Court during the pendency of the trial by this Court.

9. It transpires that the applicant was arrested on 08.05.2022. He has no



criminal antecedents of any kind. Further, the applicant has deep roots in society. Thus, the suspicion of flight risk or absconding is unfounded.

10. Investigation is over qua the applicant as the charge sheet has been filed. He is thus not required for any custodial investigation.

11. The testimony of prosecution witnesses is being recorded. As far as tampering of the evidence is concerned, the same seems to be an unfounded suspicion since most of the evidence is documentary in nature, which has already been seized by the prosecution and is beyond the reach of the applicant.

12. As regards influencing the witnesses, they are all officials of the prosecution and thus, it is an unfounded suspicion that she may try to reach out.

13. Not only the applicant has undergone inordinate incarceration since 08.05.2022 (3 years and 4 months) but even otherwise, given the snail's pace of the proceedings in the learned Trial Court, it may so happen that before the same concludes, the applicant may end up undergoing the entire sentence without being held guilty.

14. Moreover, the only different role attributed to the applicant herein is that at the time of occurrence, he was on the wheels of the car being the driver while his co-accused, namely, Kalyan Ram, was a co-passenger. Other than that, there is no difference between the roles attributed to the two of them. Since the co-accused has already been granted bail *vide* order dated 16.09.2025 in BAIL APPLN. 4218/2024, I am of the view that apart from other reasons, as recorded hereinbefore, on the ground of parity as well, the applicant herein is entitled to be enlarged on bail.

15. Be that as it may, trite as it may sound, until proved guilty the



presumption is of the innocence, and therefore, giving benefit of the same, the applicant is entitled to be enlarged on bail, at this stage.

16. Accordingly, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court. In case the applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the applicant in the present case vide instant order.

17. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

18. Accordingly, the bail application stands disposed of.

**ARUN MONGA, J**

**SEPTEMBER 23, 2025**

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