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

+ **BAIL APPLN. 3215/2025, CRL.M.A. 24925/2025**

ALI @ RUKHSAR @ RAJU

Through: Mr. U A Khan, Mr. Tushar Upadhyaya, Mrs. Rizwana Khan, Advocates.

.....Petitioner

versus

STATE NCT OF DELHI

Through: Mr. Utkarsh, Ld. APP for the State.

.....Respondent

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.09.2025**

1. Second Application under Section 483 BNSS read with Section 439 Cr.P.C has been filed on behalf of the Petitioner Ali @ Rukhsar @ Raju for grant of Regular Bail in case FIR No.832/2021 under Section 21/29 Narcotic Drugs and Psychotropic Substances, Act 1985 registered at Police Station Samaipur Badli, Delhi.

2. As per the Prosecution, on 02.11.2021 on the basis of secret information, two co-accused namely Asim and Varun were apprehended and 6 Kg heroin was recovered from the possession of the co-accused Varun. Thereafter, they were formally arrested in the FIR No.832/2021 under Section 21/29 NDPS Act. In their Disclosure Statement, they gave the name of the Applicant, but during the investigations he was not traceable at the address that was given by the co-accused.

3. It is submitted that the address furnished by the co-accused was



incorrect and the Applicant was not residing there since last ten years.

4. The Applicant already stands discharged for the offence under Section 21/29 NDPS Act vide Order dated 13.08.2025. However, he has been charged for the offence under Section 174 IPC.

5. It is submitted that the Applicant is in Judicial Custody since 30.04.2024. The process under Section 82/83 Cr.P.C has been wrongly executed since he had not been residing at the given address for the last ten years. It is submitted that in the given circumstances, he may be granted Bail.

6. The Status Report is submitted on record, wherein the details of the investigations have been detailed. It is submitted that the Accused/Applicant is in Judicial Custody since 30.04.2024. The Status Report be taken on record.

7. **Submissions heard and record perused.**

8. The only incriminating evidence against the Accused/Applicant was the Disclosure Statement of the co-accused and he has already been discharged in the main offence under Section 21/29 NDPS Act. He has been charged under Section 174A IPC. The Applicant is in Judicial Custody since 30.04.2024. i.e. for more than 18 months. Considering the totality of circumstances, the Accused/Applicant is granted Regular Bail, on the following terms and conditions:

a) The petitioner/accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.

b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing;



- c) The petitioner/accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
 - d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
 - e) In case the petitioner/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
9. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.
10. The above Bail Application is accordingly disposed of along with the pending Application.

NEENA BANSAL KRISHNA, J

SEPTEMBER 16, 2025/va