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

+ **BAIL APPLN. 3601/2025**

MOHD. WASIM KHAN

.....Petitioner

Through: Mr. Jitendra Sethi, Sr. Advocate with
Mr. Hemant Gulati, Mr. Shobit Dimri
and Mr. Bharat, Advocates.

versus

STATE, NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **26.09.2025**

CRL.M.A. 28231/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 292/2024, registered at Police Station Bhalswa Dairy, Delhi for the commission of offences punishable under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. The case of the prosecution is that originally, one Shoaib was arrested for being in possession of 270 grams of heroin and on his interrogation, the Investigating Officer had apprehended one Saddam, followed by a few more



persons including one Rafat. It is on the disclosure statement of Rafat that names of other co-accused persons including the present applicant Mohd. Wasim Khan had surfaced.

6. The learned counsel appearing on behalf of the applicant argues that two co-accused persons have been granted anticipatory bail by this Court and the role assigned to the present applicant is almost similar. Accordingly, on the ground of parity, it is prayed that the applicant be granted anticipatory bail.

7. The learned APP for the State, on the other hand, argues that pursuant to the disclosure statement of the co-accused, a raid was conducted at the house of the present applicant, from where 0.6 grams of heroin, a pistol and live cartridges were recovered by the Crime Branch and therefore, the role of the present applicant is different. It is thus submitted that the bail application be dismissed.

8. This Court has **heard** arguments addressed by the learned counsel appearing for the applicant and the learned APP for the State and has perused the material available on record.

9. After hearing arguments and going through the case file, this Court is of the opinion that admittedly the recovery of 0.6 grams of heroin, pistol and live cartridges is not the subject matter of the present FIR. In the present FIR, the only incriminating material against the present applicant is the disclosure statement of the co-accused. Neither any Call Detail Records nor any other incriminating material has been placed on record in the present case to connect the applicant herein with the alleged offence. The other co-accused persons in this FIR were also granted anticipatory bail by the Co-ordinate Bench of this Court on this ground itself *vide* judgment dated



21.05.2025 passed in Bail Application No.576/2025.

10. Considering the overall facts and circumstances of the case, this Court finds it a fit case to grant the relief of anticipatory bail to the applicant. In the event of arrest, he shall be released on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers; shared by him with the Police; and shall join investigation as and when asked by the I.O.
- ii) The applicant shall not leave the country without prior permission of the concerned Court.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SHO.

11. The present bail application stands disposed of.

12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 26, 2025/vc/A