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

+ **BAIL APPLN. 3651/2025**

JAVED

.....Petitioner

Through: Mr. S. S Das, Ms. Sia Das, Ms. Ria
Das and Ms. Ranjita, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

28.11.2025

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1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioner, Javed for grant of Regular Bail in FIR No.36/2025 under Section 21(C)/29 of NDPS Act, registered at Police Station Crime Branch, South East.
2. It is submitted that the Applicant was a labourer by profession and was working as a domestic help with Mr. Imtiyaz Ahmed Peer, who is father of co-accused, Shazia Peer. There is no incriminating substance recovered from the possession of the Applicant or at his instance.
3. The brief facts of the Prosecution Case are that an alleged recovery of 996 grams of heroin was made from the possession of one Faheen Farooq at New Delhi and he was arrested. He disclosed that the recovered contraband had been received by him at the instance of his co-accused Shazia, who was apprehended and arrested but nothing incriminating was recovered from her



possession. She made a Disclosure Statement that 1000 grams of heroin was given by her to her servant, Javed (Applicant) to supply locally and her mobile was also with Javed.

4. Pursuant to the disclosure of Shazia, the Applicant was arrested from the house of the father of Shazia. It was noticed that there were various incoming calls received from the various mobile phones. There were some demands of Heroin/Smack.

5. The Police laid a trap and apprehended one Musa Khanyari from J&K but he was not formally arrested.

6. It is further, the case of the Prosecution that on the disclosure of Faheem Farooq, the Police apprehended and arrested one Harry.

7. It is submitted that the Bail is sought on the grounds that there is no recovery from the Applicant. The only incriminating evidence is the disclosure of co-accused, Shazia and the CDR and WhatsApp connectivity with her. The CDR and WhatsApp connectivity cannot be termed as incriminating material, as he was the domestic help in the house of the co-accused Shazia' father. It is submitted that he has clean antecedents and no previous involvement. A prayer is, therefore, made for grant of Bail.

8. **The State has filed the Status Report.** Let the same be taken on record. In the Status Report, the entire details of arrest of various accused persons, has been detailed. **The Bail is opposed** on the ground that the investigation is yet to be completed. The Applicant was directly in contact with co-accused, Shazia Peer, who is in contact with drug trafficker across India, Pakistan Border. Incriminating Chat and statements have emerged between them. There is a possibility of Applicant jumping the Bail as he has no permanent address. He may get involved in similar crime, if released. He



is a part of drug nexus, which are selling narcotic drugs.

Submissions heard and the record perused.

9. As per the case of the Prosecution, the Applicant was apprehended on the basis of the Disclosure Statement of co-accused, Shazia Peer. It is not denied that there was no recovery effected from Applicant and also from Shazia Peer, who has already been admitted to Bail.

10. The Applicant is the domestic help in the house of the father of the Applicant, which *prima facie* explains the CDR connectivity between them. No recovery of any incriminating substance has been effected from the Applicant. The only incriminating evidence is the Disclosure Statement, which is inadmissible. The Twin Tests as mandated under Section 37 of NDPS, are *prima facie* met.

11. Considering the totality of circumstances, the Accused 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 his residential address, the same shall be intimated to learned Trial Court and



to the concerned I.O.

12. The Bail Application is accordingly disposed of.

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

NEENA BANSAL KRISHNA, J

NOVEMBER 28, 2025/RS