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

+ **BAIL APPLN. 3875/2025**

MOHD. WASIM KHAN

.....Petitioner

Through: Mr. Jitendra Sethi Senior Advocate
with Mr. Mohd Azeem Khan, Mr.
Mansoor, Mr. Hemant Gulati and Mr.
Shobhit Dingri Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Satwant Singh PS Crime Branch
(Cyber Cell).

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.11.2025

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1. First Petition under Section 482 BNSS (Section 438 Cr.P.C) has been filed on behalf of Petitioner/Accused Mohd. Wasim Khan for grant of Anticipatory Bail in case FIR No.87/2024 under Section 21/25/29 NDPS Act registered at Police Station Crime Branch.
2. It is submitted in the Petition that on 24.04.2024 on the basis of secret information, Akhil Dass co-accused was apprehended and 1097 gms of Heroin was recovered from his possession. He made a Disclosure Statement that he had procured the contraband from one Meena, who was also arrested and recovery of 100 gms of Heroin was made from her possession. She made a Disclosure Statement that she had procured this Heroin from one Saif Ali Khan @ Kallu Khan and a recovery of Rs.150 gms of Heroin was made from his possession Saif Ali Khan further made a



disclosure of having procured the contraband from one Asim Hussain. Asim Hussain was arrested in FIR No.146/2025 under Section 21/25/29 NDPS Act, P.S. GTB Enclave on 23.06.2025. He made a Disclosure Statement but did not said a word about the present Applicant about his involvement in any manner. He was also not served with any Notice under Section 67 NDPS Act in the said FIR.

3. Thereafter Asim Hussain was arrested in FIR No.87/2024 P.S. Crime Branch in which he again made a Disclosure Statement wherein he took the name of the Applicant as dealing with the trade of Heroin.

4. Pursuant to the Disclosure Statement of Asim Hussain, a raid was conducted at the house of the Applicant and in his absence and allegedly 06 gms of Heroin along with two country-made pistol and live cartridges were recovered.

5. It is submitted that there is no CDR to show the connectivity of the present Applicant with Asim Hussain nor is there any financial transaction between them. No compliance of Section 100(4) Cr.P.C was made as no independent person was associated with the alleged recovery. Reliance is placed on Bantu Kumar vs. State.

6. It is further submitted that without admitting the recovery of 06 gms of Heroin from the house of the Applicant, the Applicant is a drug addict for which he is getting treatment from Community Health Centre, Wazirganj, Badaun. He is not a previous convict nor he is involved in any case of NDPS and has been falsely implicated in this case, at the behest of co-accused Asim Hussain. He is the sole bread earner of the family and has deep roots in the Society being a permanent resident of Bareilly, U.P.

7. His first Anticipatory Bail Application has been dismissed by learned



ASJ on 03.09.2025 without considering that there is no cogent evidence against the Applicant. Moreover, the co-accused *Ansar Khan* who was named in the present case, has already been granted Anticipatory Bail and the Chargesheet has been filed and *Ansar Khan* already stands discharged.

8. The co-accused *Saif Ali Khan @ Kallu Khan* has already been granted Bail by the learned Trial Court. The Co-accused *Azeem Khan* has been also granted Anticipatory bail by the Trial Court. The Bail has also been granted to *Asim Hussain* by the learned Trial Court on 23.09.2025.

9. It is submitted that he has been falsely implicated as the marriage of his sister was fixed with co-accused *Asim Hussain*, but on account of the intervening circumstances, the marriage did not materialize infuriated *Asim Hussain* who has given a false statement implicating the Applicant and his brother *Azeem Khan*. It is submitted that he may be granted Anticipatory Bail.

10. **Learned APP for State** has submitted that there is a recovery of 06 gms of Heroin, two country made pistols and five live cartridges from the house of the Applicant and Section 25 Arms Act has already been added. The recovery was witnessed by the local Police and was duly videographed.

11. It is further submitted that his custodial interrogation is required as he is the supplier of Heroin to other persons. The offence is grievous.

12. The Supreme Court in the case of *Dinesh Chander vs. State of Haryana* Special Leave to Appeal (Crl.) Nos.9540/2025 decided on 07.07.2025 and *Anarul SK vs. The State of West Bengal* Special Leave to Appeal (Crl.) No.12621/2024 decided on 19.09.2024 also held that the Anticipatory Bail in the case of NDPS Act be given with circumspection.

Submissions heard and record perused.



13. As has been submitted by the learned Counsel for the Applicant, the only evidence against the Applicant was the Disclosure Statement of Asim Hussain, who was initially arrested in FIR No.146/2025 under the NDPS Act in which he made a Disclosure Statement but never took the name of the Applicant. Subsequently, Asim Hussain was formally arrested in the present FIR and his Disclosure Statement was again recorded in which he for the first time named the Applicant.

14. It is further pointed out that the marriage of the sister of the Applicant was fixed with Asim Hussain, which did not materialize leading to his false implication in this case.

15. The other four co-accused have been granted Regular Bail, while one accused has been granted Anticipatory Bail. The Chargesheet stands filed against the other co-accused persons.

16. While it cannot be overlooked that the offences under NDPS Act are of sever grievous in nature, but each case has to be considered on its own merits. Considering the totality of circumstances, it is directed that in the event of his arrest, the Petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions:

- (i) The petitioner shall furnish a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer;
- (ii) The petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (iii) If the petitioner has a passport, he shall surrender the



same to the Investigating Officer and shall not travel out of the country without prior permission of the Trial Court;

(iv) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

17. The Petition stands disposed of in the above terms.

NOVEMBER 3, 2025

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NEENA BANSAL KRISHNA, J