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

+ **BAIL APPLN. 285/2026**

NIKETAN @ NICKY

.....Petitioner

Through: **Mr. Mayank Chauhan, Advocate.**

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP.
SI Sohan Thakur, Anti-Narcotics
Cell.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **27.04.2026**

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in connection with FIR No. 97/2025 dated 15.02.2025, registered at Police Station Narela, Outer North District, Delhi, under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [“the NDPS Act”].
2. I have heard Mr. Mayank Chauhan, learned counsel for the applicant, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State. The status report filed by the prosecution is on record.
3. The prosecution case, as it emerges from the status report, is that, on the basis of secret information, two persons, being the present



applicant and co-accused Vijay, were apprehended on 15.02.2025 while they were coming from the Main Road, Raja Harish Chander Hospital, Narela, Delhi, towards NIT, Narela, Delhi, at about 4:50 PM. Vijay was carrying a bag on his back. Upon search of the bag, a polythene packet containing a brown powdery substance was found. Upon testing with a field testing kit, the substance was detected to be heroin. It was weighed at 304 grams [including the weight of the transparent polythene packet]. Personal search was thereafter carried out of both the applicant and Vijay, but no narcotic substance was recovered from their personal possession. The search proceedings were videographed. Both, the applicant and Vijay were arrested on the same day.

4. It is alleged that, in the course of interrogation, Vijay disclosed that he and his friend Jatin procured the recovered contraband from one Seema for supply to one Salman. Jatin and two others were thereafter arrested on 15.04.2025, and 320 grams of heroin was recovered upon search of their car, bearing No. HR-55AH-7981. Jatin also disclosed that he and Vijay had procured the heroin which was recovered from Vijay, from Seema for supply to Salman, and that he had procured the heroin recovered from the above vehicle from one Nirdesh.

5. In support of the present application, Mr. Mayank Chauhan submits that, in the facts of the present case, there was no recovery whatsoever from the applicant's person or from any bag being carried by him. He submits that mere presence of the applicant alongwith co-accused Vijay, from whose bag the substance was recovered, cannot lead to attribution of the recovery to the applicant. He further submits that the chargesheet has already been filed, and the applicant has been in custody



for a period of over one year.

6. Mr. Yudhvair Singh Chauhan, on the other hand, submits that the recovery, although effected from the bag being carried by Vijay, has to be attributed to both accused who were found together, and both of whose names were disclosed in the secret information received on 15.02.2025. He submits that, in addition to the secret information, there is also extensive Call Detail Record [“CDR”] connectivity between the applicant and Vijay, including at a time proximate to the date of the raid.

7. At the outset, it may be noted that the recovery involved in the present case, being 304 grams of heroin, constitutes a commercial quantity, and the provisions of Section 37 of the NDPS Act are applicable. At this stage, in order to satisfy the twin test under Section 37 of the NDPS Act, the Court is required to come to a *prima facie* satisfaction, as held by the Supreme Court in *Mohd. Muslim v. State (NCT of Delhi)* [(2023) 18 SCC 166].

8. Applying these principles to the facts of this case, the recovery was admittedly from a bag being carried by co-accused Vijay, and there was no recovery from the present applicant’s person or from any bag carried by him. Whether this is sufficient to constitute conscious possession on the part of the applicant is a matter for trial. The disclosures of co-accused, Vijay and Jatin, as referred to in the status report, are also to the effect that the contraband recovered from Vijay was procured by him and Jatin, from Seema for supply to Salman. At this stage, no role in procuring or supplying the material is attributed to the present applicant.

9. The only other material relied upon by the prosecution, even though it is not mentioned in the status report, is CDR connectivity



between the applicant and Vijay. CDR connectivity, without any evidence with regard to the contents of the calls, is not by itself sufficient to deprive the applicant of his liberty. The judgments of this Court in *Aarif v. State (NCT of Delhi)* [BAIL APPLN. 4678/2024, decided on 02.04.2025], and *Azad v. State of GNCT of Delhi* [2023 SCC OnLine Del 1769] make it clear that CDR data is, at best, supporting or corroborative evidence and is insufficient by itself to establish the guilt of the accused.

10. Having regard to the aforesaid factors, I am satisfied that the conditions provided in Section 37 of the NDPS Act are fulfilled in the facts and circumstances of the present case. It is also undisputed that the applicant has no prior criminal involvements. The chargesheet has already been filed, and the applicant has remained in custody for over one year. He was released on interim bail from 20.05.2025 till 12.07.2025, whereupon he surrendered in time. There is no allegation of misuse of the liberty granted to him.

11. In view of the above, it is directed that the applicant be released on regular bail in connection with FIR No. 97/2025 dated 15.02.2025, registered at Police Station Narela, Outer North District, Delhi, under Sections 21/29 of the NDPS Act, subject to furnishing a personal bond in the sum of Rs. 30,000/-, with one surety in the like amount, to the satisfaction of the concerned Duty Magistrate/Trial Court, and subject to the following further conditions:

- a. The applicant shall appear before the Special Court on each and every date of hearing fixed.
- b. The applicant shall not leave the country without prior permission of the Special Court.



- c. The applicant shall ordinarily reside at the address as per prison records, and shall not change the address without prior intimation to the concerned Investigating Officer [“IO”]/ Station House Officer [“SHO”].
 - d. The applicant shall furnish his mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.
 - e. The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever.
 - f. The applicant shall not commit any offence during the pendency of the proceedings.
12. The bail application is disposed of in terms of the above.
13. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.
14. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

APRIL 27, 2026
SS/KA/