



2026:DHC:1775



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 25th February, 2026**+ **BAIL APPLN. 450/2026**
MONISH @ WASIM

.....Petitioner

Through: Mr. Jitendra Sethi, Sr. Advocate with
Mr. Mohd. Azeem Khan, Mr. Hemant
Gulati and Mr. Divyam Gaur,
Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Kartar Singh Rawat, Anti
Narcotics Cell**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Applicant seeks anticipatory bail in FIR No.509/2025 dated 19.07.2025, registered at PS Narela for commission of offences under Section 21/25/29 of *Narcotic Drugs and Psychotropic Substances Act, 1985* (in short *NDPS Act*).
2. When the present application was taken up by this Court on 02.02.2026, learned Senior Counsel for the applicant submitted that it was a case of mistaken identity as police was after a person who had not been, allegedly, named by his co-accused.
3. Status report was directed to be filed and, as per status report submitted on record, learned Addl. P.P. for the State, on instructions from the Investigating Officer, submits that the abovesaid aspect has been duly verified and there is no case of 'mistaken identity' and such contention is fallacious and unsustainable. He submits that inquiry was conducted in this regard and the local residents as well as village *Pradhan* have been



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contacted and examined and, therefore, there is no confusion or ambiguity regarding the identity of the person in question.

4. As per the case of prosecution, Rohit and Sagar were arrested on 19.07.2025 and from the search of their scooty, 312 gms of heroin was recovered. As per their disclosure, the abovesaid heroin was supplied to them by Nadeem Khan, resident of Bareilly, UP and at the instance of accused Rohit, who was taken into police custody, such supplier i.e. Nadeem Khan was arrested and from his car, 508 gms of heroin was recovered.

5. However, things did not stop there as even Nadeem Khan disclosed that he used to obtain such contraband from one Wasim, resident of Bareilly, UP and claimed that he could get him arrested from his hide-outs situated in Bareilly from where more quantity of heroin could also be recovered.

6. Nadeem Khan was taken on police custody remand but, when the raid was conducted at the alleged house of Monish @ Wasim (applicant herein), nothing could be recovered for the reason that the abovesaid house was found locked. In this regard, learned Addl. P.P. for the State relies on *Pointing Out Memo* prepared on 27.07.2025 and the disclosure statements made by co-accused Nadeem Khan.

7. Learned Addl. P.P. for the State while opposing the present application submits that the raid had been conducted twice at the house of the applicant, however, the same was found locked both times and, thereafter, notices under Section 67 of NDPS Act were pasted, but to no avail. He further argues that the brother and father of the applicant have, previously, been found to be involved in other cases registered under NDPS Act. He emphasises that the custodial interrogation of the applicant is imperative to ascertain the source, supply chain and to identify other



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associates involved in the matter and, therefore, grant of anticipatory bail would, seriously, hamper effective investigation.

8. Mr. Jitendra Sethi, learned Senior Counsel for the applicant submits that it is a case of *no evidence* and police is after the applicant, merely, on the basis of the disclosure statement, which has no evidentiary value at all. He also relies upon *Joy Mitra v. Narcotics Control Bureau*, 2025 SCC OnLine Del 3016, and submits that in said case pertaining to NDPS Act, the applicants therein were granted *pre-arrest bail*. However, facts of the abovesaid case are different as therein applicants had pleaded false implication claiming their involvement emanated from the bare fact that there was a seizure of a parcel, which allegedly contained contraband and mentioned their names, which was not sufficient to establish their complicity in the trafficking of drugs. They had pleaded that they had no knowledge about any such parcel and perhaps their names, addresses and phone numbers had been misused in order to falsely implicate them and keeping in mind the peculiar facts of the abovesaid case and the fact that they had already joined the investigation and their custodial interrogation was not required, the anticipatory bail was granted to them.

9. The facts in the present matter are, clearly, distinguishable, particularly in light of the fact that the applicants in the abovesaid judgment had, in fact, joined the investigation, and it was after such joining that nothing was found which could link them to the offence. Therefore, no advantage can be dug out from the abovesaid judgment.

10. In view of the peculiar facts placed on record and specific statement made by co-accused of the applicant, it cannot be said to be a case where police is after the applicant without any rhyme and reason. Police had even



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reached his house situated at Bareilly but the house was found locked and the applicant absconding.

11. It need not be emphasized that power to grant anticipatory bail is an extraordinary power, which needs to be exercised in a very cautious manner, while keeping in mind the peculiarity of any given case.

12. The custodial interrogation of the applicant looks imperative to connect all the dots and to have a complete chain with respect to the offences in question. Moreover, the Investigating Agency may even think of confronting the applicant with his co-accused in order to have full assurance about the fact that they have reached a right person.

13. In view of the above, application seeking anticipatory bail is hereby dismissed.

(MANOJ JAIN)
JUDGE

FEBRUARY 25, 2026/st/pb