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

+ **BAIL APPLN. 1149/2026**

KAIJAR REHMAN

.....Petitioner

Through: Mr, Pramod Kumar, Mr. Ajay Kumar Yadav, Mr. Hemraj Tewatia, Ms. Kanti Tiwari and Mr. Piyushi Garg Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP.
SI Prem Narayan

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.05.2026

1. By way of this application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks anticipatory bail in connection with FIR No. 34/2026, dated 05.02.2026, registered at Police Station Sector-23 Dwarka, under Sections 8/20/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"].

2. By order dated 20.03.2026, interim protection was granted to the petitioner with the following observations:

"3. The applicant had earlier applied for anticipatory bail before the Special Judge (NDPS), Dwarka Courts, District South West, ["Special Court"], which was dismissed by order dated 12.03.2026. A copy of the status report filed by the prosecution before the Special Court has been placed on the electronic record of the present petition. It is stated therein that, pursuant to secret information, two persons, namely Mantun Kumar and Zakir Hussain, were apprehended on 05.02.2026. Upon search, 7.227 kg of ganja was recovered from Mantun Kumar,



and 6.169 kg of ganja was recovered from Zakir Hussain.

4. As far as the present applicant is concerned, accused Zakir Hussain disclosed his name as the supplier of ganja.

5. Mr. Pramod Kumar, learned counsel for the applicant, submits that apart from the aforesaid disclosure statement of the co-accused under Section 67 of the NDPS Act - which is inadmissible in evidence in the absence of corroborative material - there is no material whatsoever in support of the prosecution case. He further points out that the total quantity involved is 13.396 kg of ganja, which falls within the intermediate quantity, the commercial quantity being above 20 kg.

6. To a specific query of the Court, Mr. Chauhan submits that, as of now, the investigation has not revealed any material, other than the disclosure statement, to link the applicant to the present offence, whether by way of mobile connectivity, financial transactions, or in any other manner.

7. Although offences under the NDPS Act are undoubtedly serious and anticipatory bail is an extraordinary remedy, I note that the present case does not involve a commercial quantity of contraband to which the rigours of Section 37 of the NDPS Act would apply. Therefore, applying the normal parameters of bail jurisprudence, the only prima facie material available against the applicant at this stage is the disclosure statement of a co-accused, without any corroborative recovery or other evidence. In such circumstances, I am of the view that it is appropriate to grant the applicant interim protection, subject to his joining the investigation and cooperating with the investigating authorities.

8. Subject to the applicant reporting to the Investigating Officer [“IO”] on 23.03.2026 at 02:00 PM, and thereafter as and when required by the IO, and cooperating with the investigation, it is directed that he shall not be arrested in connection with the subject FIR until the next date of hearing before this Court.”

3. Mr. Yudhvair Singh Chauhan, learned Additional Public Prosecutor for the State, has filed a status report, which reads as follows:

“7. That applicant Kaijar Rehman was granted interim relief by the Hon'ble High Court of Delhi vide orders dated 20,03,2026 and applicant Kaijar Rehman had joined investigation on 23.03.2026. During investigation interrogation of applicant Kaijar Rehman was prepared and no evidence were found against him. No CDR or financial transactions of Kaijar Rehman were found with the earlier arrested accused persons.”



8. That after completion of the investigation chargesheet has already been filed before the trial court. Total 15 prosecution witnesses were mentioned in the chargesheet. NOOH before the trial court is fixed for 24.04.2026 for FSL result and framing of charges. Accused Zakir Hussain was granted bail by the Hon'ble court of Ms Bhavna Kalia, ASJ. Dwarka Courts vide orders dated 15.04.2026. NBW against supplier Ajidul Haque has been obtained from trial court for 25.04.2026.”

[Emphasis supplied.]

4. Thus, it is the specific submission of the Investigating Officer [“IO”], that no evidence has been found against the petitioner. Mr. Chauhan also states that chargesheet has been filed, in which the petitioner has not been named as an accused. However, he states that further investigation is in progress.

5. For the aforesaid reasons, it is directed that the petitioner is entitled to anticipatory bail. In the event of arrest in connection with FIR No. 34/2026, dated 05.02.2026, registered at Police Station Sector-23 Dwarka, under Sections 8/20/25/29 of NDPS Act, the petitioner will be released on bail, subject to furnishing a personal bond in the sum of Rs. 15,000/-, with one surety of the like amount to the satisfaction of the IO/Station House Officer, and subject to the following further conditions:

- a. The petitioner will appear before the Special Court/IO, as and when required.
- b. The petitioner will furnish his mobile number to the IO, and shall keep the said mobile phone running and always switched on. The mobile number shall not be changed or switched off without prior intimation to the IO.
- c. The petitioner will give his residential address to the IO, and will not change his residential address without prior intimation to the



IO.

- d. The petitioner shall not directly/indirectly tamper with the evidence.
 - e. The petitioner shall not commit any offence during pendency of these proceedings.
6. The bail application is disposed of.
7. 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.

PRATEEK JALAN, J

MAY 26, 2026
SS/AD/