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

\# **CNR No. DLHC010390032026**

\+ BAIL APPLN. 3448/2026 & CRL.M.A. 33699/2026

MANISH HIMMATBAHI VIRADIA .....Petitioner

Through: Mr. Aditya Aggarwal with Mr. Ankit Mutreja, Mr. Yasir Siddiqui and Mr. Naveen Panwar, Advocates.
(M): 9990206703

versus

NARCOTICS CONTROL BUREAU .....Respondent

Through: Mr. Arun Khatri, SSC with Ms. Shelly Dixit, Mr. Pranavjeet Singh and Ms. Jahnavi Berlia, Advocates.
(M): 9643835828
Email: shellydixit@legal.in

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 28.10.2026

CRL.M.A. 33699/2026 (For withdrawal of the bail application)

1. The present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking permission to withdraw the captioned bail application, being *BAIL APPLN. 3448/2026*, with liberty to file fresh bail application before the Special Judge (NDPS)/Trial Court.

2. Learned counsel appearing for the petitioner submits that *vide* order dated 25th October, 2024, in *CRL.M.C. 8503/2024*, this Court had issued

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directions to stay the order dated 13th September, 2024, whereby the Special Judge (NDPS)/Trial Court had issued Non-Bailable Warrants ("NBWs") against the petitioner.

3. He, however, submits that the aforesaid petition, i.e., *CRL.M.C. 8503/2024*, was subsequently withdrawn since the petitioner was arrested by the police on 05th November, 2024.

4. Thus, he submits that he has instructions to withdraw the captioned bail application and approach the Special Judge (NDPS)/Trial Court for the grant of regular bail, raising the additional ground that the arrest of the petitioner violated the subsisting stay granted in the said order dated 25th October, 2024.

5. Issue notice. Notice is accepted by learned Senior Standing Counsel ("SSC") appearing for the respondent, i.e., the Narcotics Control Bureau ("NCB"), who submits that learned counsel appearing for the petitioner is trying to mislead the Court.

6. He further submits that by the order dated 25th October, 2024, the Court had not granted the petitioner blanket immunity from arrest. Rather, the Court categorically clarified that further investigation by the respondent would not be impeded in any manner whatsoever.

7. Having heard learned counsels appearing for the parties, this Court clarifies that the plea raised by the petitioner with respect to the order dated 25th October, 2024, shall be decided by the Special Judge (NDPS)/Trial Court on its own merits. This Court has not adjudicated the said issue.

8. Accordingly, considering the submissions made before this Court, the present bail application is dismissed as withdrawn, with liberty to the petitioner to approach the Special Judge (NDPS)/Trial Court.

9. Needless to state, this Court has not expressed any opinion on the merits

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of the case, as submitted by the petitioner in the present application.

10. The present application is disposed of, in the aforementioned terms.

11. The next date of hearing, i.e., 17th November, 2026, stands cancelled.

MINI PUSHKARNA, J

OCTOBER 28, 2026
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