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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3378/2025

ARUN KUMAR

.....Petitioner

Through: Mr. Yashdeep Sethi with Mr. Amulya Ratan, Mr. Sandeep Choudhary, Mr. Ketan, Mr. Sharad Vikal and Mr. Vishal Chaudhary, Advocates *via* video-conferencing.

versus

THE STATE (GOVT. OF N.C.T. OF DELHI)Respondent

Through: Ms. Shubhi Gupta, APP for the State with SI Mohit, P.S.: Timarpur.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

27.01.2026

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By way of the present petition under section 482 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks anticipatory bail in case FIR No.151/2025 dated 12.04.2025 registered under sections 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') at P.S.: Timarpur, North Delhi.

2. Status report dated 28.10.2025 has been filed by the State.
3. Mr. Yashdeep Sethi, learned counsel appearing for the petitioner submits, that the petitioner was granted interim protection *vidé* order dated 03.11.2025, subject to him joining investigation; and in compliance of that direction, the petitioner duly joined investigation on 13.11.2025.



4. Mr. Sethi submits, that as would be seen from the allegations in the subject FIR, the petitioner was *not named* therein and his name has been brought into the matter based *only* on the statement of two co-accused persons viz. Suraj and Deepak *alias* Bakra, who are stated to have implicated the petitioner.
5. It is submitted that the allegation is that 1112.18 grams of *hashish* (*charas*) was recovered from Suraj, which was concealed in mobile phone adaptors.
6. Counsel submits, that admittedly *no recovery* has been made from the petitioner, nor does the petitioner have any past criminal involvements; and accordingly, the petitioner cannot be implicated in the present case *based solely on the disclosure statements* of the co-accused persons, pursuant to which no recovery has been made.
7. Counsel submits, that pursuant to the interim protection granted to him, the petitioner has joined investigation and would continue to do so as and when called by the Investigating Officer (I.O.).
8. Opposing the grant of anticipatory bail, Ms. Shubhi Gupta, learned APP appearing on behalf of the State has drawn attention to the course of investigation, as narrated in the status report. Learned APP also submits that since a commercial quantity of *charas* has been recovered from Suraj, the rigours of section 37 of the NDPS Act would be attracted even against the petitioner.
9. Ms. Gupta points-out, that while it is true that the petitioner's name has come up only in the disclosure statements of Suraj and Deepak *alias* Bakra, it has also been found that just 02 hours before Suraj was apprehended with the narcotic, the petitioner - Arun Kumar *alias*



Pappu - is seen coming-out together with two co-accused persons Deepak *alias* Bakra and Rishi from the *Thakali* restaurant in *Majnu ka Tila* area and getting into an Hyundai *i10* car, which was captured in CCTV footage of the area. She points-out, that in that footage Rishi is also seen carrying the same bag, that was recovered and seized from Suraj, containing the narcotic.

10. Learned APP submits that furthermore, it is the prosecution case that the accused persons were planning to plant the narcotic at the premises of one Asim Mohammad *alias* Sanny, who is also a resident of *Majnu ka Tila*, and lives just a short distance from the restaurant, since there was enmity between Asim Mohammad and the petitioner; and the latter had also lodged an FIR against the petitioner bearing FIR No. 90/2025 under sections 115(2)/126(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 at P.S.: Civil Lines, Delhi.
11. It is submitted, that the accused persons were planning to plant the narcotic in order to falsely implicate Asim Mohammad *alias* Sanny in an NDPS case.
12. Furthermore, learned APP argues, that as narrated in their status report, another person Balwant, who is stated to be a *gotakhor* in the Yamuna river at the *shamshan ghat*, has also given a statement that he knows the petitioner as well as Deepak *alias* Bakra, to say that they had “*offered him to deliver some material but he denied because of business*”. It is pointed-out that Balwant has further stated, that on 11.04.2025, the petitioner had called Balwant and asked about the whereabouts of Suraj.



13. Upon considering the submissions made by learned counsel for the parties, and after perusing the subject FIR and the status report filed, the following aspects prevail with the court *at this stage*:

13.1. Admittedly *no recovery* of any narcotic drug or psychotropic substance has been made from the petitioner – Arun Kumar. Narcotic is alleged to have been recovered from a bag carried by *Suraj*, and the prosecution says that the bag carried by *Suraj* is the same bag as is seen in the hands of *Rishi*, who is alleged to have met *Deepak alias Bakra* and the petitioner at a restaurant 02 hours before the bag was seized from *Suraj*. However, upon query, the court is informed that the bag does not have any unique features.

13.2. The car into which the petitioner is alleged to have sat with *Deepak* and *Rishi* belongs to *Deepak* and not to the petitioner.

13.3. The FIR lodged by *Asim Mohammad alias Sanny inter-alia against* the petitioner was for offences of causing simple hurt, wrongful restraint, and criminal intimidation. The 1112.18 grams of *charas* stated to have been seized is valued at several lacs of rupees in the open market. The allegation that the petitioner and other co-accused persons were intending to plant several lacs worth of narcotic *to get even* with *Asim Mohammad*, for offences like simple hurt, wrongful restraint, and criminal intimidation, would have to be examined closely in the course of trial.

13.4. It is evident therefore, that the only ‘tangible evidence’ being canvassed against the petitioner is the disclosure statement of



02 co-accused persons viz., Suraj and Deepak *alias* Bakra, pursuant to which however no recovery has been made from the petitioner.

13.5. The petitioner is stated to be engaged in the business of cloth trading; and has nothing to do with mobile phone chargers, in which the narcotic seized is alleged to have been concealed by Suraj.

14. In the above circumstances as obtaining in the matter, this court is of the view that there are reasonable grounds for believing that the petitioner is not guilty of the offence alleged.

15. In view of the above, this court is inclined to allow the present petition for anticipatory bail, thereby directing that in the event of his arrest, the petitioner shall be admitted to regular bail by the Investigating Officer/ Arresting Officer subject to the following conditions:

15.1. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with 02 sureties in the like amount from family members to the satisfaction of the Investigating Officer/Arresting Officer;

15.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

15.3. 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 this court;



- 15.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. 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.
16. The petition stands disposed-of.
17. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 27, 2026

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