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

+ BAIL APPLN. 4018/2025, CRL.M.A. 31323/2025

BAZID KHAN ALIAS WAZID KHAN
ALIAS VAZID KHAN

.....Petitioner

Through: Ms. Mercy Hussain, Mr. Ashokh
Yadav, Mr. Narender Singh
Parihar, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Ramkishan, ANTF Crime
Branch, Delhi

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.03.2026

1. This application was scheduled to be listed on 02.03.2026 but has been listed today, as 02.03.2026 was declared a holiday *vide* Notification No. 64/G-4/Genl.-I/DHC dated 27.02.2026.

2. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks regular bail in connection with FIR 123/2023, dated 21.05.2023, registered at Police Station ANTF, Crime Branch, under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, ["NDPS Act"] and Section 174A of the Indian Penal Code, 1860 ["IPC"].

3. I have heard Ms. Mercy Hussain, learned counsel for the petitioner, and Mr. Aashneet Singh, learned Additional Public Prosecutor. A status



report has also been placed on record pursuant to order dated 17.10.2025.

4. The prosecution's case is that one Imran Khan @ Sahil was apprehended on the basis of secret information on 21.05.2023, and 269 grams of heroin was recovered from him. The FIR was registered on the same date. In the course of investigation, Imran Khan disclosed the involvement of co-accused Anwar, Mehboob Khan, and the present petitioner. The petitioner, who had been declared a proclaimed offender, was arrested on 18.05.2025.

5. Ms. Hussain submits that the case against the petitioner is based solely on the disclosure statement of the co-accused, which is not admissible in terms of the judgment of the Supreme Court in *Tofan Singh v. State of Tamil Nadu*, [(2021) 4 SCC 1]. She submits that there is no corroborative material in the form of any recovery from the petitioner. The prosecution has relied solely upon call detail records, which are insufficient to provide the necessary corroboration. She further seeks parity with the cases of co-accused Mehboob Khan and Anwar, both of whom have been granted bail by orders of the Court dated 09.02.2024 and 28.03.2024, respectively.

6. Mr. Singh submits that the twin conditions for grant of bail, incorporated under Section 37 of the NDPS Act, applies to the present case, as it involves a commercial quantity of contraband. He further submits that the call detail records reveal connectivity between the co-accused, including the petitioner, and the main accused. However, he does not dispute that, as in the cases of Mehboob Khan and Anwar, no recovery has been effected from the present petitioner as well. On the question of parity, Mr. Singh submits that the present petitioner had been



declared a proclaimed offender, whereas the co-accused had not been so declared.

7. In the orders of this Court granting bail to Mehboob Khan and Anwar, the Court has noted that disclosure statements cannot be relied upon in the absence of corroborative material, and that the accused is entitled to such benefit at the stage of bail, as held by the Supreme Court in *State of Haryana v. Samarth Kumar*, [2022 SCC OnLine SC 2087]. The Court also observed that, in such circumstances, the rigours of Section 37 of the NDPS Act would not apply. It was further noted that, although call detail records were relied upon to establish connectivity between the accused and the co-accused, there was no recorded conversation prior to the date of apprehension.

8. The aforesaid factors equally apply to the present case, thereby lending support to the petitioner's claim of parity.

9. The only distinguishing factor pointed out by Mr. Singh is that the petitioner had been declared a proclaimed offender. Ms. Hussain has, however, drawn my attention to a judgment of this Court dated 24.02.2026 in BAIL APPLN. 4335/2025, which also pertained to a case under the NDPS Act. In that case as well, the applicant had been declared a proclaimed offender, yet was granted bail on the ground that the case against her was based solely on the disclosure statement of a co-accused without any corroborative material. In the present case, considering that the petitioner has already undergone custody for over ten months and that only four out of sixteen witnesses have been examined, I do not consider it appropriate to further deprive him of his liberty. Instead, I am of the view that suitable conditions may be imposed to ensure his presence



during trial.

10. Having regard to the *prima facie* material against the petitioner and on the ground of parity, it is directed that the petitioner be released on bail in connection with FIR No. 123/2023 dated 21.05.2023, registered at Police Station ANTF/Crime Branch, under Sections 21 and 29 of the NDPS Act, 1985, and Section 174A of the IPC, subject to furnishing a bail bond in the sum of Rs. 50,000/- with two local sureties of the like amount, to the satisfaction of the Special Court/Duty Metropolitan Magistrate, and subject to the following conditions:

- a. The petitioner shall not leave the National Capital Territory of Delhi without prior permission of the Special Court;
- b. The petitioner will report to the jurisdictional IO/Station House Officer [“SHO”] twice a week on every Monday and Thursday at 04:00 P.M. and will be released within an hour, after completion of all formalities.
- c. The petitioner shall provide his permanent address to the Trial Court, as also the address in Delhi where he is residing during the pendency of the case. The petitioner shall not change his residential address, without permission of the Special Court.
- d. The petitioner shall provide his mobile number to the concerned IO/SHO, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial.
- e. The petitioner shall appear before the Special Court on each



and every date of hearing.

- f. If the petitioner has a passport, it will be surrendered to the Special Court.
- g. The petitioner 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;
- h. The petitioner shall not commit any offence during the period of his release.

12. The bail application is disposed of in terms of the above. The pending application also stands disposed of.

13. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

14. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

MARCH 28, 2026

Tg/JM