

SC 138-2021, STATE Vs. RIJWAN
FIR NO. 122/2020, PS Crime Branch
04.04.2026

Present: Sh. K.P. Singh, Ld. Addl. PP for state.
Accused Rizwan on bail in person with Ld. counsel
Mr. Javed Saifi.
Accused Nizamuddin Ansari @ Nizam on bail in
person with Ld. counsel Sh. Deepak Kumar.
IO SI Vishan in person (through VC).

Charge has already been framed against accused
Rizwan.

Today, matter is fixed for arguments/ framing of
charge against accused Nizamuddin Ansari @ Nizam.

Submissions heard.

Ld. counsel for accused Nizamuddin Ansari @
Nizam submits that nothing has been recovered from the
possession or at the instance of accused Nizamuddin Ansari @
Nizam. He further argues that the name of the applicant/ accused
was disclosed by co-accused Rizwan. According to him, there is
no incriminating evidence against accused Nizamuddin Ansari
@ Nizam. According to him, both accused persons are known to
each other, therefore, it is obvious that there are talking to each
other.

He further submits that since no transcription etc.
has been filed by the prosecution, therefore, CDR also cannot be
considered.

In view of abovesaid facts and circumstances, he
requests that accused Nizamuddin Ansari @ Nizam may be
discharged.

In support of his submissions, he has relied upon the
judgment *Shyam Gupta & Ors. Vs. State, CrI. Rev. P. 421/2019*,

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decided on 13.03.2023.

Per contra, Ld. Addl. PP for the State has vehemently opposed the submissions of Ld. counsel for accused Nizamuddin Ansari @ Nizam and states that there is CDR connectivity between both accused persons. He further argues that during investigation, accused Nizamuddin Ansari @ Nizam denied to use mobile no. 9634889727, which he was having, however, during further investigation, statements of brother of accused Nizamuddin Ansari @ Nizam and his friend were recorded and they stated that the accused Nizamuddin Ansari @ Nizam was only using the said mobile phone.

He further argues that in addition to disclosure statement, there are CDRs between both the accused persons. He further argues that it is accused Nizamuddin Ansari @ Nizam, who had procured the recovered substance from Shakeel and thereafter, handed over the same to accused Rizwan. Thus, according to him, there is incriminating evidence against accused Nizamuddin Ansari @ Nizam and charge should be framed against him.

In support of his submissions, he has relied upon ***Santokh Singh Vs. State of NCT of Delhi, CrI. Rev. P. 691/2009, decided on 05.08.2011.***

Submissions considered. Record perused.

As per the facts of the case, there is no admissible incriminating evidence against accused Nizamuddin Ansari @ Nizam. The prosecution has not filed any transcription of CDR between both accused persons so that it cannot be ascertained

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that the said calls were related to commit the offence in the present case.

In the facts and circumstances of the case, **due to non-availability of admissible evidence against accused Nizamuddin Ansari @ Nizam, he is discharged.**

On the request of Ld. counsel for accused Nizamuddin Ansari @ Nizam, **bail bonds of accused Nizamuddin Ansari @ Nizam already filed are accepted till NDOH. Accused Nizamuddin Ansari @ Nizam is directed to furnish fresh bail bonds U/s 437A Cr. PC on the NDOH.**

Ld. counsel for accused Rizwan has filed photocopy of receipt of Rs. 1,000/- deposited with Delhi Prosecutor Welfare Association.

Issue fresh summons to HC Nityanand (cited at serial no. 2) and Insp. Satender Sangwan (cited at serial no. 7), returnable on the NDOH.

Put up for PE on 17.09.2026.

(Virender Singh)
Special Judge, NDPS,
Central, THC, Delhi/04.04.2026