

IA No. 14/2025 SC 6/22
FIR No. 172/21
PS Special Cell
State Vs. Rizwan & Ors.

25.03.2026

Present: Ms. Lisa Pegwal, Ld. Proxy Counsel for Ld. SPP for the State.

Sh. Asghar Khan, Sh. Abdul Tahir Khan, Sh. Aman Asht, Sh. Sahar Masroor and Sh. Wasil Khan, Ld. counsels for applicant/accused.

This is a bail application filed u/s 439 Cr.P.C/483 BNSS.

During the course of arguments, it has been submitted by the Ld. SPP that the applicant/accused Prabhdeep Singh is yet not arrested in this case but in furtherance of the red corner notice issued against him, he was detained on 07.07.2023 at International Airport of Baku, Azerbaijan and since then, he is in custody by the order of the District Court of Baku City.

It is further submitted that the proceedings of extradition are underway under the supervision of MEA.

Ld. Counsel submits that the accused is detained only in furtherance of the directions issued by this Court in the present matter and therefore, the application is maintainable. It is submitted that the accused cannot be made to suffer in custody due to inaction on the part of the State.

Having heard the respective arguments, the Court finds that since the accused Prabhdeep Singh has not yet been formally arrested by the IO of the present case and is yet to be deported for being questioned by the IO, the instant application for bail is not maintainable. The question of bail arises only after a person is arrested. During the pendency of the extradition proceedings, after detention of the accused, it cannot be said that he is in custody in the case over which the Court exercises jurisdiction. For the above-mentioned reasons, the instant application is dismissed.

The application stands disposed of accordingly.
Copy of this order be given *dasti*.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
25.03.2026/p