

IA1/25 SC262/25
FIR260/25
STATE V MAHFOOZ KHAN
PS Vasant Kunj North

03.12.2025

Present: Sh. Syed Ubaid Mansoor, Ld. Addl. PP for the State.
Sh. Advesh Kumar, Ld. counsel for
applicant/accused.

Vide my separate order of even date, the present application is allowed and disposed of accordingly.

Copy of the order be given *dasti* as well as be sent to jail superintendent for supplying the same to accused in jail.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
03.12.2025

**IN THE COURT OF ATUL AHLAWAT
ADDL. SESSIONS JUDGE, NDPS ACT (SPECIAL
JUDGE) NEW DELHI DISTRICT, PATIALA HOUSE
COURTS, NEW DELHI**

IA1/25 SC262/25

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STATE V MAHFOOZ KHAN

PS Vasant Kunj North

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ORDER

1. Vide this order, I shall dispose of the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Mahfooz Khan for grant of regular bail. Reply filed by the IO.

2. It is submitted by Ld. Counsel for applicant/accused that accused/applicant was arrested on 28.06.2025 in the present case FIR, without following the mandatory provisions of the law. There has been complete non-compliance of the Section 47 of BNSS, Section 52 of the NDPS Act and Article 22(1) of the Constitution of India.

3. It is submitted by the Ld. Counsel for the applicant/accused that no recovery ever took place from the applicant/accused and he has been falsely implicated. The case

property as falsely shown as 1864 grams of *ganja* was planted upon him. The applicant/accused is having absolutely clean antecedents is the sole earning member of the family. He is ready to abide with any conditions that this court may impose upon the applicant.

4. Per contra, it is submitted by the Ld. Addl. PP for the State duly assisted by the IO that the applicant/accused's role came up in the disclosure statement of co-accused Guddu and the applicant/accused had supplied the contraband, which was recovered from the said co-accused. From the house of the applicant/accused 1864 grams of *ganja* was recovered. The field testing kit was used and the seized contraband came out positive for *ganja*. The charge-sheet has been filed, however the FSL result is still awaited. If released on bail, he may abscond and also return back to the nefarious activities of illegal drug trade. Therefore, the present application is strongly opposed.

5. After considering the rival contention of the parties, considering the facts & circumstances of the present case and considering the fact that the total weight of the contraband recovered from the possession of the applicant/accused was of intermediate quantity. Therefore, the rigours of Section 37 of the

Act does not apply. Reliance is placed on the decisions of Hon'ble Supreme Court of India in "***Sami Ullaha Vs. Superintendent***", NCB, AIR 2009 SC 1357 and "***State of West Bengal Vs. Rakesh Singh***", MANU/SC/0854/2022. Furthermore, the applicant/accused is not involved in any other case. There is no other recovery that is to be effected in the present case. The charge-sheet has already been filed and the FSL result is still awaited and trial may take long time. Therefore, in my considered opinion, he has made out his case for regular bail. Hence, the applicant/accused Mahfooz Khan is admitted to regular bail on following conditions:-

- (i) On furnishing of personal bond of **Rs. 25,000/- with one local surety** of the like amount, to the satisfaction of this Court/Ld. Link Judge/Ld. Duty JMFC.
- (ii) He shall deposit his passport, if not already deposited/impounded and he shall not leave the country without the permission of this Court.
- (iii) He shall duly join the investigation, as and when called upon by the IO, since the investigation is still pending and he shall not try to tamper the evidence or hamper the trial or try to influence the witnesses, in any

manner.

(iv) He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the SHO concerned.

(v) He shall mark his attendance in the PS concerned, on the first Monday of each calendar month, till the investigation is completed and the trial is completed.

(vi) He shall not commit any offence, whatsoever, during the period he remains on bail in the present case.

(vii) He shall attend the trial without any single default.

6. Nothing stated herein shall tantamount to any expression or opinion on the merits of the case.

7. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused Mahfooz Khan for grant of regular bail is accordingly disposed of, as allowed.

8. Needless to say, that nothing expressed herein shall have any effect on the merits of the case.

9. Copy of this order be sent to concerned Jail Superintendent, for necessary intimation to the applicant/accused.
10. Application is disposed of accordingly.
11. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ/ Special Judge, NDPS/N. Delhi
Delhi/03.12.2025