

IA No. 6/2026 SC No. 156/2025
FIR No. 101/2025
PS: Vasant Kunj North
U/s 21/29 NDPS Act
State Versus Mohd. Rahul

08.05.2026

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Sh. Mohd. Tabish Zai, Ld. counsel for
applicant/accused Mohd. Rahul

Vide my separate order of even date, the application filed on behalf of the applicant/accused Mohd. Rahul, seeking grant of regular bail, is dismissed 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.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/08.05.2026

**IN THE COURT OF JITENDRA PRATAP SINGH
ADDL. SESSIONS JUDGE /SPECIAL JUDGE (NDPS),
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

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ORDER

1. Vide this order, I shall dispose of the present third application moved on behalf of accused/applicant Mohd. Rahul under Section 483 BNSS seeking grant of regular bail in the present case.

2. It is submitted by Ld. Counsel for applicant/accused and affirmed by the IO that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.

3. Briefly stated, the case of the prosecution is that on 24.02.2025, pursuant to a secret information received by the ANTF team regarding three persons involved in supply of drugs near JIMS College, Vasant Kunj, a raiding party was constituted after compliance of Section 42 NDPS Act. During the raid, three persons were allegedly noticed coming from the side of Masoodpur Village. Upon being signalled by the secret informer,

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the raiding party moved towards them, whereupon one person allegedly managed to flee while two persons, namely co-accused S.K. Sabir and present applicant Mohd. Rahul, were apprehended. As per the prosecution, upon search of the applicant, 5 grams MDMA was allegedly recovered from the right pocket of his jeans. Recovery of 92 grams MDMA was allegedly effected from co-accused S.K. Sabir. Subsequently at the instance of S.K. Sabir, the co-accused Mohd. Babul was apprehended on 28.02.2025 with alleged recovery of 73 grams MDMA. Thus, the prosecution alleges total recovery of 170 grams Methamphetamine/MDMA from the accused persons acting in conspiracy with each other.

4. Ld. Counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. It is submitted that nothing was recovered from the conscious possession of the applicant and the alleged recovery has been planted upon him. It is further argued that no independent public witness was joined despite availability of public persons at the spot and no notice under Section 179 BNSS was served upon any public person refusing to join the proceedings. It is also argued that there has been non-compliance of Section 50 NDPS Act and reliance has been placed upon the judgments in *Arif Khan Vs. State of Uttarakhand*, Crl Appeal No. 273/2007, dated 27.04.2018 and *Dharambir Singh Vs. State*, Crl. Appeal No. 658/2017 dated 13.11.2018 to contend that strict compliance of Section 50 NDPS Act was mandatory. It is further submitted that only 5 grams MDMA has allegedly been recovered from the

applicant, which is below commercial quantity. Therefore the rigours of Section 37 NDPS Act would not apply. It is further argued that investigation already stands completed and the applicant has remained in custody for considerable period and has clean antecedents.

5. Per contra, Ld. Addl. PP for the State, assisted by the IO, has strongly opposed the application. It is submitted that the applicant was apprehended along with co-accused S.K. Sabir pursuant to specific secret information and both were acting in concert for supply of narcotic substances. It is argued that notice under Section 50 NDPS Act was duly served upon the accused persons and they declined to be searched before a Gazetted Officer or Magistrate. It is further argued that total recovery effected from all accused persons is 170 grams Methamphetamine/MDMA, which falls within commercial quantity and therefore the rigours of Section 37 NDPS Act squarely apply. The Ld. Addl. PP has also argued that earlier bail application of the applicant was dismissed on merits by the Ld. Predecessor Court on 05.08.2025 and thereafter even the bail application before the Hon'ble High Court was withdrawn.

6. I have heard the rival submissions and carefully perused the record.

7. At the outset, it is pertinent to note that the present application is admittedly the third bail application moved on behalf of the applicant. The first bail application was dismissed

on merits vide detailed order dated 05.08.2025 passed by the Ld. Predecessor of this Court. The second bail application was dismissed on account of non-prosecution/non-appearance and thereafter the bail application preferred before the Hon'ble High Court was withdrawn on 20.11.2025. The order dated 05.08.2025 specifically addresses the contentions regarding alleged non-compliance of Section 50 NDPS Act, non-joining of public witnesses, applicability of Section 37 NDPS Act and the alleged intermediate quantity recovered from the present applicant.

8. The Ld. Predecessor of this Court, after considering the material available on record, had observed that the applicant and co-accused were apprehended together pursuant to specific secret information and there existed allegations of conspiracy under Section 29 NDPS Act. It was further observed that the total quantity recovered from the accused persons was commercial quantity and therefore the rigours of Section 37 NDPS Act would apply. The Court had also noted existence of CDR connectivity between the accused persons and prima facie compliance of Section 50 NDPS Act.

9. It is settled law that successive bail applications are maintainable only when there is a substantial change in circumstances after rejection of the earlier bail application on merits. Re-agitation of the same grounds, which already stand considered and rejected, is impermissible. In the present matter, no fresh circumstance or substantial change in circumstances has been pointed out on behalf of the applicant warranting

reconsideration of the earlier view taken by the Ld. Predecessor Court.

10. The principal submissions raised in the present application regarding alleged non-compliance of Section 50 NDPS Act, non-joining of public witnesses, false implication and recovery of only 5 grams from the applicant are the very same grounds which already stood considered in detail while dismissing the earlier bail application on 05.08.2025. At this stage, this Court does not find any reason to take a different view from the one already taken by the Ld. Predecessor Court.

11. Prima facie, the allegations against the applicant are not restricted merely to possession of 5 grams MDMA. The prosecution case is that the applicant was acting jointly with co-accused persons as part of a drug supply network and was apprehended pursuant to specific secret information. Allegations under Section 29 NDPS Act have been made and the total alleged recovery from the accused persons is of commercial quantity. At this stage, the applicability of Section 37 NDPS Act cannot be ruled out.

12. The contention regarding long incarceration also does not persuade this Court to grant bail at this stage. The applicant has been in custody since 24.02.2025. However, considering the nature of allegations, the quantity involved collectively, the allegations of conspiracy and the statutory embargo under Section 37 NDPS Act, mere period of custody by itself cannot be

treated as a ground for grant of bail.

In view of the aforesaid discussion, this Court is not inclined to take a different view at this stage.

13. Accordingly, the present bail application stands dismissed.

14. Needless to say, nothing observed herein shall tantamount to an expression on the merits of the case.

15. The coversheet in compliance of the practice directions no. 124/Rules/DHC dated 10.12.2024, containing the directions passed by the Hon'ble Supreme Court of India in "***Suhas Chakma Vs. Union of India & Ors.***", Neutral Citation 2024 INSC 813 is issued separately.

16. The application stands disposed of accordingly. Copy of the present order be given *dasti* and same be also sent to concerned jail superintendent, to be supplied to the applicant/accused.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/08.05.2026