

IA5/26 SC367/23
NCB VS KHALID KHAN AND ORS.

19.03.2026

Present: Sh. Ratnesh Deo, Ld. SPP for NCB and Sh. Rahul Gupta, Ld. Counsel.
Ms. Manvi Gupta, Ld. counsel for applicant/accused.

Vide my separate order of even date, the present application, seeking grant of interim bail for a period of 30 days stands allowed.

The application stands disposed of accordingly. Copy of this order be given *dasti*. Copy of this order be sent to Jail Superintendent, Tihar Jail for necessary intimation to the applicant/accused.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
19.03.2026/p

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

IA5/26 SC367/23

NCB VS KHALID KHAN AND ORS.

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ORDER

1 Vide this order, I shall decide the application under Section 483 BNSS filed on behalf of the applicant/accused Khalid Khan seeking interim bail for a period of 30 days on account of the demise of his father.

2 It is submitted by Ld counsel for applicant/accused that there is no other application seeking similar relief is pending before the Hon'ble Supreme Court of India, Hon'ble High Court of Delhi or any other court.

3 The applicant is in judicial custody since 10.04.2023 in the present case registered by NCB under Sections 8/20/29 NDPS Act. The allegations against the applicant pertain to involvement in offences under the NDPS Act and the matter is presently pending trial.

4. The present application has been moved on the ground that the father of the applicant, namely Sh. Arif Khan, expired on 18.03.2026 at Safdarjung Hospital, Delhi. It is submitted that the

applicant is required to perform the last rites and subsequent religious ceremonies of his deceased father and further to take care of his aged mother, who is stated to be alone and dependent upon him.

5. A factual report has been filed on behalf of NCB. As per the said report, though formal verification from Safdarjung Hospital could not be obtained due to closure of the office, the NCB official visited the residence of the deceased and confirmed the death after seeing the mortal remains of Late Arif Khan at the residence.

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

7. At the outset, it is to be noted that the allegations against the applicant are serious in nature and arise under the NDPS Act. The rigours of Section 37 NDPS Act would ordinarily operate while considering bail. However, the present application is for interim bail on humanitarian grounds, namely the demise of the father of the applicant.

8. Be that as it may, the factum of death of the father of the applicant stands prima facie verified through the report of NCB officials. The death of a parent is an event of profound personal and social significance. Performance of last rites and associated rituals is not only a religious obligation but also a deeply rooted social duty.

9. It has been consistently held that in such circumstances, courts may grant interim bail for a limited duration to enable the accused to perform last rites and attend to immediate family responsibilities, even in cases involving serious offences, subject to appropriate safeguards.

10. Further, it has been stated that the applicant is the only male member available to take care of his aged mother, who is presently alone after the demise of her husband. This aspect also lends weight to the request for temporary release.

11. At the same time, the concerns of the prosecution regarding the nature of allegations cannot be ignored. Therefore, the relief must be balanced with stringent conditions to ensure that the applicant does not misuse the concession granted.

12. Having given my thoughtful consideration to the facts and circumstances of the case, this Court is of the considered opinion that the applicant has made out a case for grant of interim bail for a limited period.

13. Accordingly, the applicant/accused Khalid Khan is admitted to interim bail for a period of 30 days from the date of his release, subject to the following conditions:

- i. The applicant shall furnish a personal bond in the sum of Rs.1,00,000/- with one surety of the like amount.

- ii. The applicant shall not leave the territorial jurisdiction of District Ghaziabad, Uttar Pradesh, without prior permission of this Court.
- iii. The applicant shall provide his mobile number to the IO/NCB official concerned and shall keep the same operational at all times.
- iv. The applicant shall report to the nearest police station in Ghaziabad on each Monday falling during the period of interim bail.
- v. The applicant shall not contact, directly or indirectly, any prosecution witness or co-accused.
- vi. The applicant shall not indulge in any offence during the period of interim bail.
- vii. The applicant shall surrender before the concerned Jail Superintendent on expiry of the interim bail period, without fail.
- viii. The applicant shall appear before the Court on the next date of hearing, if the date falls within the period of interim bail.

14. It is made clear that any violation of the above conditions shall entail cancellation of interim bail.

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

16. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused for grant of interim bail is

accordingly disposed of as allowed.

17. Copy of this order be sent to Jail Superintendent, Tihar Jail for necessary intimation to the applicant/accused.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
19.03.2026/p