

IA No. 7/2026 SC No. 156/2025
FIR No. 101/2025
PS: Vasant Kunj North
U/s 21/29 NDPS Act
State Versus Md. Babul

08.05.2026

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

Vide my separate order of even date, the application filed on behalf of the applicant/accused Md. Babul, 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**

IA No. 7/2026 SC No. 156/2025

FIR No. 101/2025

PS: Vasant Kunj North

U/s 21/29 NDPS Act

State Versus Md. Babul

08.05.2026

ORDER

1. Vide this order, I shall decide the second application under Section 483 BNSS moved on behalf of accused/applicant Md. Babul 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, ASI Ved Prakash of ANTF/South West District was on patrolling duty in the area of Vasant Kunj when a secret informer met him near Masoodpur Red Light and informed that three persons involved in supply of drugs usually come near JIMS College, Vasant Kunj for supply of narcotic substances and if immediate raid is conducted, they could be apprehended with substantial quantity of contraband. The said information was

IA No. 7/2026 SC No. 156/2025
FIR No. 101/2025
PS: Vasant Kunj North
U/s 21/29 NDPS Act
State Versus Md. Babul

allegedly conveyed to the senior officers and DD No. 6 dated 24.02.2025 was recorded in compliance of Section 42 NDPS Act. Thereafter, a raiding team consisting of police officials was constituted.

4. As per prosecution, the raiding team reached near the spot alongwith the secret informer and at the instance of informer, three persons were seen coming from the side of Masoodpur village. On noticing the police party, all the three persons allegedly attempted to flee in different directions. However, two persons namely S.K. Sabir and Md. Rahul were apprehended while one person allegedly succeeded in escaping from the spot. During search of accused S.K. Sabir, 92 grams MDMA was allegedly recovered whereas from accused Md. Rahul, 5 grams MDMA was allegedly recovered. It is the case of the prosecution that both the apprehended accused disclosed the name of the fleeing associate as Md. Babul i.e. the present applicant.

5. The prosecution further alleges that thereafter on 28.02.2025, acting upon the disclosure of co-accused S.K. Sabir, trap proceedings were conducted near Mahipalpur bypass flyover where the present applicant Md. Babul was apprehended while allegedly coming for supply of drugs. Notice under Section 50 NDPS Act was allegedly served upon him informing him about his legal right to be searched before a Gazetted Officer or Magistrate. The applicant allegedly declined the said offer and consented for search by the police party itself. During his search, one white transparent polythene allegedly containing crystal type

white substance suspected to be MDMA was recovered from his possession. Upon weighing, the recovered substance allegedly weighed 73 grams. As per FSL report filed through supplementary charge-sheet, the recovered substance was found to be Methamphetamine.

6. It is pertinent to note that as per the prosecution, total recovery effected from all the three accused persons is 170 grams of Methamphetamine, which falls within commercial quantity.

7. Learned 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 by the police officials. It is further argued that no independent public witness was joined at the time of alleged recovery despite availability of public persons and no notice under Section 179 BNSS was served upon any public person who allegedly refused to join the proceedings. It is contended that the prosecution story is stereotyped and based entirely upon the motivated testimony of police officials.

8. It is further argued that there has been non-compliance of Section 50 NDPS Act. Learned counsel has submitted that the alleged notice under Section 50 was not served in accordance with law and the applicant was not properly informed of his valuable right to be searched before a Magistrate or Gazetted Officer. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Arif Khan v. State of Uttarakhand*, Crl

Appeal No. 273/2007, dated 27.04.2018 and upon the judgment of the Hon'ble Delhi High Court in *Dharambir Singh v. State, Crl. Appeal No. 658/2017 dated 13.11.2018*, to contend that strict compliance of Section 50 NDPS Act is mandatory and failure thereof vitiates the recovery.

9. It is further submitted that investigation already stands completed and charge-sheet has been filed and therefore no useful purpose would be served by keeping the applicant in judicial custody. Learned counsel has also argued that the applicant has clean antecedents and is not involved in any other criminal case. It is further submitted that the previous bail application was dismissed only due to non-prosecution/non-appearance of counsel and not on merits. It is lastly argued that the applicant has been in custody since 28.02.2025 and trial is likely to take time.

10. Per contra, learned Addl. PP for the State has strongly opposed the bail application and submitted that the allegations against the applicant are grave and serious. It is submitted that the applicant was apprehended pursuant to disclosure made by co-accused persons and recovery of 73 grams Methamphetamine was effected from his possession. It is further submitted that the total recovery from all accused persons is 170 grams Methamphetamine which falls within commercial quantity and therefore rigours of Section 37 NDPS Act are squarely attracted.

11. It is further argued that due compliance of Sections 42 and 50 NDPS Act was made and the applicant had consciously

declined the option of being searched before a Magistrate or Gazetted Officer. Learned Addl. PP submits that the FSL report confirms the recovered substance to be Methamphetamine and there is sufficient material to prima facie connect the applicant with organised drug trafficking activities.

12. I have heard the respective arguments and have also perused the record.

13. At the outset, it is pertinent to note that the recovery allegedly effected from the present applicant is 73 grams Methamphetamine. The prosecution has invoked Section 29 NDPS Act and has alleged that all the accused persons were acting in concert as part of drug supply activities. The total quantity allegedly recovered from all the accused persons is 170 grams Methamphetamine, which admittedly falls within the category of commercial quantity. Consequently, the rigours of Section 37 NDPS Act are attracted.

14. At the stage of consideration of bail, this Court is not expected to conduct a mini trial or meticulously appreciate the evidence. The Court is only required to see whether there exist reasonable grounds for believing that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail.

15. The contention regarding false implication and planting of recovery are matters of evidence which can only be adjudicated during trial after parties lead evidence. At this stage, there is no material before the Court to prima facie conclude that the

applicant has been falsely implicated.

16. So far as the argument regarding non-joining of public witnesses is concerned, it is settled law that testimony of police officials cannot be discarded merely on the ground that no independent public witness was joined, particularly at the stage of bail. The explanation furnished by the prosecution regarding refusal of public persons to join investigation cannot be brushed aside at this stage. The evidentiary value of testimony of official witnesses would be tested during trial.

17. The argument regarding non-compliance of Section 50 NDPS Act also does not persuade this Court to grant bail at this stage. The prosecution has specifically stated that notice under Section 50 NDPS Act was served upon the applicant informing him of his legal right to be searched before a Magistrate or Gazetted Officer and that he declined the same in writing. Whether the said compliance was proper and complete or not is a matter which would require appreciation of evidence during trial.

18. The contention that investigation stands completed and charge-sheet has been filed is also not by itself sufficient to dilute the rigours of Section 37 NDPS Act. The twin conditions prescribed under Section 37 are mandatory in nature and unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty, bail cannot be granted merely because the charge-sheet has been filed.

19. Though the applicant is stated to have clean antecedents and has remained in custody for about one year, however,

considering the seriousness of allegations and the statutory embargo under Section 37 NDPS Act, this Court does not find any reasonable ground to hold, at this stage, that the applicant is not guilty of the alleged offence.

20. Accordingly, in view of the overall facts and circumstances of the case and particularly in view of the rigours of Section 37 NDPS Act, this Court is not inclined to grant bail to the applicant.

21. The present bail application is therefore dismissed.

22. Nothing stated herein shall tantamount to an expression on merits of the case.

23. 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.

24. 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