

IA No. 05/2026 SC 52/2026
State vs. Thana Ram
PS Special Cell
FIR No. 226/2025

ORDER

1. Vide this order, the Court shall dispose of the application moved on behalf of accused Thana Ram under Section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking preservation and production of CCTV footage.

2. It is stated in the application that, contrary to the prosecution case of apprehension of the Accused Thana Ram on 24.08.2025 near Metro Pillar No. 55, Vande Mataram Marg, near Army Public School, Dhaula Kuan, New Delhi, the applicant was actually apprehended on 23.08.2025 at about 7:00 PM from the Jaipur–Delhi Expressway near “Toll No. 2”. It is accordingly prayed that the CCTV footage of the said location between 6:00 PM and 11:00 PM on 23.08.2025 be preserved and produced before the Court.

3. The Ld Addl PP assisted by the investigating officer has opposed the application. It is submitted that the accused was apprehended along with co-accused Jas Raj on 24.08.2025 near Army Public School, Dhaula Kuan, and 3.080 kg of methamphetamine was recovered from the vehicle in which they were travelling. Reliance has also been placed upon the call-detail records and location analysis of the mobile phones of the accused persons. It is stated that the location of the applicant at about 6:28 PM on 23.08.2025 was near village Rohli, District Kannauj, Uttar Pradesh, which is stated to be approximately 350 kilometres away from the Jaipur–Delhi Expressway. It is, therefore, contended that the allegations made in the application are baseless.

4. Heard the rival arguments. Record perused.

5. At this stage, the correctness of the rival versions concerning the time

and place of apprehension cannot be finally determined while deciding the present application. The CDR and location material relied upon by the prosecution would be considered at the appropriate stage in accordance with law. The existence of such material cannot, by itself, be a ground to prevent the preservation of any independent electronic evidence, if the same is otherwise identifiable and still available.

6. At the same time, the description of the place given in the application is not sufficiently precise. The applicant has merely referred to “Toll No. 2” on or near the Jaipur–Delhi Expressway, without disclosing the name of the toll plaza, the district in which it is situated, the operator or authority maintaining the CCTV cameras or the precise camera location. No effective summons or production order can be issued to an unidentified authority on the basis of such a general description.

7. It is also relevant that the footage sought pertains to 23.08.2025, whereas the present application has been moved after a considerable lapse of time. The possibility that ordinary CCTV footage may already have been overwritten cannot be ruled out. Nevertheless, whether any footage, backup data, toll transaction record, automatic number plate recognition data or other corresponding electronic record is still preserved can be ascertained only from the concerned authority.

8. Accordingly, the application is partly allowed in the following terms:

(a) The applicant shall, within three working days, furnish to the investigating officer and place on record the precise particulars of the toll plaza or location referred to as “Toll No. 2”, including its name, district, road or expressway section and any other available identifying particulars.

(b) On receipt of such particulars, the investigating officer shall approach the concerned toll operator, highway authority, police authority or other custodian and ascertain whether CCTV footage or any backup thereof for the period between 6:00 PM and 11:00 PM on 23.08.2025 is still available.

(c) The investigating officer shall also ascertain whether any connected electronic record, including automatic number plate recognition data or toll-crossing data relating to Kia Sonet vehicle bearing registration No. 25BH5062G, is available for the relevant period.

(d) In case any such footage or electronic record is found available, the same shall be immediately secured and preserved and thereafter produced before this Court in an appropriate electronic storage device along with the certificate required under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023.

(e) In case the footage or record is no longer available, the investigating officer shall obtain a written response from the concerned authority indicating, as far as possible, the retention period and the reason for its non-availability and shall place the same before the Court.

9. The investigating officer shall file a compliance report within two weeks from the date on which the requisite particulars are supplied by the applicant.
10. It is clarified that nothing stated in this order amounts to an expression of opinion regarding the actual time or place of apprehension of the accused or regarding the correctness of the prosecution case.

The application stands disposed of accordingly.

Copy of the order be given dasti to ld. Counsel for the applicant and be also sent to the IO for information and action.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
24.07.2026