

**IA1/26 SC113/21
FIR37/21
STATE V KARAN KUMAR
PS Delhi Cantt.**

23.03.2026

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Sh. Rishabh Bhardwaj, Ld. Counsel for
applicant/accused.

Vide my separate order of even date, the present application, seeking grant of bail 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.

**(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/23.03.2026**

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

IA1/26 SC113/21

FIR No. 37/21

STATE V KARAN KUMAR

PS Delhi Cantt.

23.03.2026

ORDER

1. Vide this order, I shall decide the application moved on behalf of applicant/accused Karan Kumar under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail.

2. It is submitted by Ld. Counsel for the applicant/accused 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, in which similar relief has been sought.

3. The present case is fixed for 01.04.2026 at the stage of prosecution evidence. The applicant was earlier granted regular bail by this Court. However, on account of his non-appearance on a previous date of hearing, Non-Bailable Warrants were issued. Upon his subsequent appearance, he was taken into custody on 09.01.2026 and has remained in judicial custody since then.

4. Learned counsel for the applicant has submitted that the absence of the applicant on the relevant date was neither wilful nor deliberate, but occurred due to a bona fide mistake in noting the date of hearing. It is contended that except for this only instance, the applicant had consistently appeared before the Court. It is further submitted that since the investigation stands completed, the charge-sheet has already been filed and the case is at the stage of prosecution evidence. No purpose would be served by continued incarceration of the applicant.

5. Learned counsel has also submitted that the applicant voluntarily appeared before the Court, which shows his bona fide intention to face trial. It is argued that the next date of hearing is 01.04.2026, and continued custody till then would amount to pre-trial punishment. The applicant undertakes to remain present on all future dates and to abide by any condition imposed by the Court.

6. Per contra, learned Addl. PP for the State has opposed the application. It is submitted that the offence alleged is under Section 21 of the NDPS Act, which is a serious offence affecting society at large. It is argued that the applicant was earlier granted bail and despite such indulgence by the Court, he failed to appear, resulting in issuance of NBWs. Learned Addl. PP contends that the conduct of the applicant reflects disregard to the process of law and shows that he cannot be fully relied upon to remain present during trial. It is submitted that once conditions of liberty granted by the Court has been violated, the applicant is

not entitled to seek re-enlargement as a matter of right. It is further argued that if released again, there remains a possibility of repetition of default, which would delay the trial. Hence, it is prayed that the application be dismissed.

7. I have heard the learned counsel for the applicant and learned Addl. PP for the State and perused the record.

8. There is no dispute that the applicant was earlier enlarged on bail and that his bail bonds were forfeited consequent to his non-appearance, leading to issuance of NBWs. The explanation offered by the applicant is that the absence occurred due to an error in noting the date. It is not the case of the prosecution that the applicant was absconding for a prolonged period or that he was apprehended after evading process. Rather, he appeared before the Court and was taken into custody on 09.01.2026.

9. The record, as stated in the application and not specifically controverted by material to the contrary, suggests that this was a one off instance of default and that prior thereto the applicant had been regularly appearing.

10. The case is at the stage of prosecution evidence. Continued custody is therefore not required for purposes of investigation. The apprehension expressed by the State regarding future non-appearance can be adequately addressed by imposing stringent conditions to secure attendance.

11. While the offence under the NDPS Act is undoubtedly serious, the present application arises not at the stage of initial bail consideration but in the context of release after a default in appearance. The object of custody in such circumstances is primarily to ensure attendance before Court. The said object can be achieved by appropriate conditions rather than prolonged incarceration.

12. The Court is of the considered view that further detention of the applicant, particularly when the matter is at the stage of prosecution evidence, would not serve any useful purpose.

13. In view of the above discussion, the application is allowed.

14. The applicant/accused Karan Kumar is admitted to regular bail subject to the following conditions:

(i) On furnishing of personal bond of **Rs. 20,000/-** with one surety of the like amount.

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

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

(iv) He, immediately upon release shall inform the place of residence along with valid proof and report any change made thereof within one week, to both the Court and the IO.

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

accordingly disposed of, as allowed.

16. Nothing expressed herein shall have any effect on the merits of the case.

17. Application is 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/23.03.2026