

IA No. 2/2025
SC No. 295/2025
State Vs. Nadir
FIR No. 468/2025
PS: New Usmanpur
U/s: 18/20/29 NDPS Act

18.10.2025

**ORDER ON APPLICATION FOR GRANT OF BAIL
FILED ON BEHALF OF THE APPLICANT/ACCUSED
NADIR**

1. This order of mine shall dispose of application for regular bail filed on behalf of the applicant/accused Nadir.
2. I have already heard the counsel for the applicant /accused and the Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant/accused Nadir submitted that the applicant/accused is a peace loving and law abiding citizen and permanent resident of the given address and he has been falsely implicated in the present case, as he has nothing to do with the alleged offence and submitted that in the present case, investigation is complete and chargesheet has already been filed and nothing has been recovered from the possession of the applicant/accused and if anything recovered, same is planted upon the applicant/accused and also submitted that the applicant/accused is not previously involved or convicted in any criminal case.
4. Ld. Counsel for the applicant/accused further submitted that the applicant/accused is the sole bread winner in

his family and his wife is nine months pregnant and there is no one to take care of his wife in his family as, the applicant /accused is in judicial custody since 02.08.2025 and also submitted that it may take long time in concluding the trial, as the prosecution has cited total 23 witnesses and no fruitful purpose would be served by keeping the applicant/accused behind bars for any longer and also submitted that in the present case, co-accused Danish, who was arrested alongwith the present applicant/accused has already been granted bail by the Hon'ble court and prayed for grant of bail to the applicant/accused on the ground of parity with co-accused Danish and that the applicant/accused is ready to abide by all the terms and conditions as imposed upon him by this Hon'ble Court.

5. On the other hand, Ld. Additional Public Prosecutor for the State vehemently opposed the present application for bail and submitted that the applicant/accused was apprehended at the spot alongwith the co-accused Danish and 610 gram Afeem was recovered from the possession of the applicant/accused and submitted that the present applicant/accused has committed the offences u/s. 18/25/29 NDPS Act alongwith the co-accused person, so, he does not deserve the concession of bail and prayed for dismissal of this application for grant of bail.

6. In his reply IO has submitted that the other co-accused persons are yet to be arrested in the present case.

7. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld.

Addl. PP for State and perused the record.

8. Admittedly, in the present case, 610 gram Afeem is alleged to have recovered from the possession of the applicant /accused. The alleged quantity of Afeem falls within the category of intermediate quantity. However, the FSL result regarding the contraband is still awaited. As per the reply filed by the IO, there is no previous involvement of the present applicant/accused.

9. The Hon'ble High Court of Delhi in case, **Nadeem Chaudhary Vs. State of NCT of Delhi** (Bail Application No. 39/2022) has observed that:

“The object of Jail is to secure the appearance of the accused persons during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time. The presence of the accused can be secured at the time of trial by putting appropriate conditions”.

10. The Hon'ble High Court of Delhi relying upon the case, **Deepak Yadav V. State of U.P.**, (2022) 8 SCC 559 has observed that:

“Moreover, it is settled law that this Court at the stage of granting bail to the applicant is only to look into the (i) the nature and gravity of the offences/charges coupled with the severity of punishment in case of conviction; and (ii) if there is any chances of the accused absconding once out of bail; and (iii) if there is a reasonable apprehension of the accused influencing the witnesses or tampering the records when released on bail; and (iv) the past conduct and previous record of the accused as he should neither be a threat to the society of

which he is going to be a part of once again nor there should be any change of his repeating the same or indulging in any other offence; and (v) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; and (vi) behaviour, means, position and standing of the accused in the society”.

11. The Hon'ble High Court of Delhi in another case, **Raghav Thakur Vs. State** (Bail Application No. 1397/2023) has also observed that:

“The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. Apart from the seriousness of the offence, other factors also have to be borne in mind while considering the bail application. Delay in commencement and/or conclusion of trial is also to be taken into account and the accused cannot be kept in custody for indefinite period, if the trial is likely to take long time”.

12. In the present case, investigation is complete and chargesheet has already been filed. However, the FSL result regarding the contraband is still awaited. As per the chargesheet, the prosecution has cited 23 witnesses and the case is still at the stage of scrutiny of documents/arguments on charge and it will take some time in conclusion of the trial.

13. Considering all the facts and circumstances of the present case, the fact that in the present case, intermediate quantity of Afeem was recovered from the present applicant /accused, investigation is complete, chargesheet has already been filed, FSL result is still awaited and it will take some time in

concluding the trial and that co-accused Danish has already been granted bail in the present case and no previous involvement of the present applicant/accused in any other case, has been found, this applicant/accused Nadir is ordered to be released on bail on furnishing personal bond in the sum of Rs.50,000/- with two sureties of like amount each, subject to the following conditions:

- (1). He will not come in contact with any of the witnesses of the prosecution.
- (2). He will not tamper with the evidence of the prosecution.
- (3). He will not indulge in any criminal activity of similar nature in future.
- (4). He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or the IO.

14. In case, if he violates any of the above conditions, the prosecution will be at liberty to file application for cancellation of bail of this accused.

15. In the above said terms, the application for grant of bail filed by applicant/accused Nadir stands **allowed**. Dasti copies of this order be provided to the parties.

16. Attested copy of this order be also sent to the Superintendent of Central Jail concerned for supplying the same to this applicant/accused.

(PUNEET PAHWA)
**Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/18.10.2025**