

**SC no. 286/2025**  
**STATE Vs. AASIF KHAN**  
**FIR no.167/2025**  
**PS Hari Nagar**

**13.08.2025**

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.  
Ld. Counsel for the applicant/accused.

File perused. Heard.

This is second application u/s 483 of BNSS filed on behalf of the applicant/accused Asif Khan for grant of bail.

Reply to the application filed on behalf of IO. Copy supplied. Arguments heard.

It is submitted by Ld. Counsel that first bail application of accused was dismissed on 22.05.2025. Ld. Counsel submits that accused is innocent and is falsely implicated in the present case. Ld. Counsel submits that accused is in JC in this case since 25.04.2025 and investigation has already been completed. Ld. Counsel contends that the allegations against the accused/applicant are baseless, speculative and arise only due to his relationship of friendship with co-accused. Ld. Counsel contends that accused/applicant was merely accompanying his friend (co-accused) upon his request and was not having any knowledge of the alleged Ganja. Ld. Counsel further argued that the alleged recovery of Ganja is of 1.107 kg and .530 gm and same is of intermediate quantity. Ld. Counsel further contends that the alleged recovery is stated to be from a crowded public place but no independent witness is joined in the proceedings of the investigation. Ld. Counsel further submits that neither the videography nor the photography of the alleged recovery is done

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in the present case. Ld. Counsel further submits that one of another accused Sahil Arora has already been granted bail by Hon'ble High court of Delhi vide order dt. 01.08.2025 and contends that accused/applicant is also entitled the relief of bail.

On the other hand, Ld. Chief PP for the state has strongly opposed the present bail application of the accused on the ground that the allegations against the accused are serious in nature and the possibility of tempering of evidence and influencing of witness and fleeing away from the justice cannot be ruled out in case applicant/accused is admitted on bail.

In the present case, on the basis of secret information, applicant and the co-accused Ritik were apprehended and a white colour bag containing 1.107 Kg of Ganja and 530 grams of hybrid ganja was recovered from their possession. The contention raised by the accused that he was not aware of the presence of contraband is not tenable as the accused/applicant was himself driving the scooty and the contraband recovered from him was kept in between the feets of the accused/applicant on the scooty belonging to co-accused. Moreso, the allegations and the role of the another co-accused namely Sahil Arora ( who has been granted bail by Hon'ble High Court of Delhi) are different and no recovery was effected from his possession. In the present case allegations against the accused persons are under section 20/25/29 NDPS Act. Charges are yet to be framed. The allegations against the accused/ applicant are serious in nature. Moreso, previous bail application of accused was dismissed on 07.07.2025 and since then there is no material change in the facts  
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and circumstance of the present case except passing of few days of accused in JC.

Hence, considering the facts of the case and seriousness of the allegations against the applicant/accused, no ground is made out for grant of bail to the accused, at this stage. Hence, the present application is dismissed being devoid of merit.

Nothing discussed herein-above shall have any bearing upon the merits of the case.

Copy of the order be given dasti, as prayed for. Copy of the order be also sent to the concerned Jail Superintendent.

**(Satvir Singh Lamba)**  
**ASJ/Special Judge (NDPS(West))**  
**THC/Delhi/13.08.2025**