

1A/37/2026 SC 746/24
PS Bhalswa Dairy
FIR NO. 444/2024
STATE V/S Vishal Malik

07.07.2026

Present: Sh. Vikas, Ld. Addl. PP for the State.
Sh. Atul, Ld. Counsel for applicant/accused.
IO SI Pardeep Kumar with case file.

1. This is the regular bail application filed on behalf of applicant Vishal Malik filed in FIR No. 444/24, U/S 21/25/29 NDPS Act registered at PS Bhalswa Dairy.

1.2 Arguments on the bail application heard. Record perused.

ARGUMENTS ON BEHALF OF ACCUSED/APPLICANT

2. Ld. counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and he has nothing to do with the alleged offence. He further submits that the applicant is in JC since 08.06.2026. No recovery has been affected from the accused. The applicant has been arrested in the present matter only on the basis of disclosure statement of co-accused Rajeshwari. He further submits that the investigation in the present matter is complete and the charge sheet has already been filed. On these grounds, Ld counsel for the applicant has prayed for regular bail of the applicant.

ARGUMENTS ON BEHALF OF STATE

3. Per contra, Ld. Addl. PP opposed the present bail application on the ground that the present case pertains to recovery of 288 grams of Smack heroin, which is commercial in nature. He further submits that there is CDR connectivity between the present applicant and co-accused Rajeshwari and Raj Kumar @ Monu. He submits that the present applicant was declared "Proclaimed Offender" vide order dated 03.07.2025 of Ld. Predecessor of this court. The applicant is involved in other case of NDPS

Act. He further submits that if the bail is granted to the applicant, he may indulge in similar kind of offence.

3.2 Submissions heard. Record perused.

FINDINGS/CONCLUSION

4. As a matter of fact, no recovery was affected from the present applicant and he was arrested in the present matter only on the basis of disclosure statement of co-accused Rajeshwari. which is not admissible in evidence by relying upon the judgment of *Toofan Singh Vs State of Tamil Nadu in Criminal Appeal no. 152/13 passed on 29.10.2020*. The second evidence against the present applicant is the CDR , which is also considered as insufficient evidence for incriminating any person, which is on the basis of law laid down by the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India in catena of judgments. No recovery has been affected from the possession of present applicant. The applicant/accused is in JC since 08.06.2026 and no fruitful purpose will be served by keeping the accused in custody. The apprehension of the State that the applicant may influence the witness or can indulge in similar kind of offence can certainly be looked into by imposing certain conditions. Till date nothing substantive has come out against the present applicant. **Keeping in view the totality of the facts and circumstances of the case, the present bail application stands allowed, accused/applicant Vishal Malik is admitted to bail subject to furnishing a personal bond in the sum of Rs. 50,000/- (Rs.Fifty Thousand only) with one surety in the like amount to the satisfaction of concerned court/ Link Court./Ld. Duty JMFC, on the following conditions:**

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- i) That the applicant/accused shall not leave Delhi without prior intimation to the IO/Court either by written intimation or through SMS to IO on mobile phone in advance;
- ii) That the applicant/accused will supply all numbers of his functioning phones/mobile phones to the IO as well as about his whereabouts.
- iii) That the applicant/accused shall not tamper with the evidence;
- iv) That the applicant/accused shall not try to contact in any manner or threat the prosecution witnesses;
- v) That in case of change of his residential address, he shall intimate the court about the same;
- vi) That the applicant shall attend the Court on each and every date of hearing without fail.
- vii) In case of involvement in any criminal case during bail period the bail shall be liable to be cancelled.
- viii) Not to leave country without permission of this court.

4.2 A copy of this order be sent to the Jail Superintendent concerned for further communication to the accused/applicant. Copy of this order be also forwarded to Jail Superintendent concerned through E-Mail.

4.3 Copy of this order be given dasti as prayed for.

Harvinder Singh Johal
Spl. Judge(NDPS)/ASJ
North Distt., Rohini Courts,
Delhi/07.07.2026(r)