

12 Bail Matters 96/2026
ARYAN Vs. STATE
FIR 313/2025
PS Crime Branch-North Delhi

20.01.2026

This is an application under Section 483 BNSS for grant of regular bail moved on behalf of accused/applicant Aryan.

Present: Sh. Sandeep Kumar, Ld. Addl. PP for the State.
Sh. Aditya Dhawan along with Sh. Saurabh Duggal, Ld.
Counsel for the applicant/accused Aryan
IO is present.

1. Reply to the instant bail application has already been filed by the State/IO. Same be taken on record. Copy supplied to the Ld. Counsel for the applicant/accused.
2. This is the first regular bail application filed by the applicant in the instant FIR No. 313/2025, under Section 20 NDPS Act registered at PS Crime Branch, Delhi.

ARGUMENTS ON BEHALF OF THE APPLICANT/ACCUSED

3. Ld. Counsel for the applicant/accused submits that present applicant is of 26 years young boy, falsely implicated in the present case and main accused Yogesh was arrested on 23.10.2025 with the commercial quantity of the contraband i.e. 1091.5 grams Charas and thereafter, present applicant was arrested on 23.11.2025. Ld. Counsel further submits that despite of lapse of one month between arrest of co-accused & arrest of applicant, no notice under Section 67 of NDPS Act was issued to the applicant to join the investigation. It is further submitted that applicant was not absconding from the process of law. After arrest, only three days police custody of the applicant was taken at the initial stage and thereafter, the applicant is in JC till date. Ld. Counsel for the applicant further submits that

nothing incriminating has been recovered from the possession of the applicant, therefore, the present applicant deserves of the concession of regular bail. He further submits that investigation qua applicant is complete in the present matter and no fruitful purpose would be served by keeping this accused behind bars, therefore, he requests for concession of regular bail.

ARGUMENTS ON BEHALF OF THE STATE

4. Per contra, Ld. Addl. PP for the State assisted by the IO has submitted that allegations levelled against the applicant/accused are serious in nature. It is submitted that there are disclosure statement of the main accused Yogesh and admission of guilt by the present applicant Aryan. He further submits that applicant is not having the clean antecedent being involved in one another FIR lodged at Shimla, Himachal Pradesh and there is constant CDR connectivity between the main accused and the present applicant, therefore, bail is strongly opposed. It is further stated that there is every likelihood of his fleeing from justice, in case, the present applicant is released on regular bail. There is also an apprehension that applicant may involve in similar kind of offence, if he is released on bail, therefore, the present application is strongly opposed.

5. Submissions heard. Record perused.

FINDING/CONCLUSION

6. This court is of the considered opinion that it is mandatory for the investigating authority to issue notice under Section 67 of NDPS act, if the present applicant is named in the disclosure statement of the main accused, however, despite of lapse of one month, no such notice was issued to the applicant to join the investigation. The issuance of notice on the date of arrest of the applicant is of no significance as no opportunity was given to the applicant/accused to join the investigation. It is a settled proposition of

law that the disclosure statement of the co-accused does not constitute any incriminating evidence likewise CDR connectivity between the main accused and present applicant does not establish anything against the present applicant. No fruitful purpose will be achieved by keeping the accused/applicant behind bars. Our legal system is based on reformation and presumption of innocence is already in favour of accused. Moreover, the case of the present applicant deserves to be allowed. Hence, accused/applicant Aryan is admitted to bail subject to furnishing a bail bond in the sum of Rs.1,00,000/- with two sureties of one lakh each in the like amount to the satisfaction of this court/Ld. Link Court/, on the following conditions:

- 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.

7. Nothing in this order shall tantamount to an expression of opinion on the merits of the case during trial.

8. Pursuant to directions issued by Hon'ble Supreme Court of India in SMWP (Criminal) No. 4/2021 titled as In Re Policy Strategy for Grant of Bail as well as in compliance of judgment titled as Ajay Verma Vs. State, copy of this order be sent to Jail Superintendent through e-mail.

Copy of this order be given dasti as prayed for.

Harvinder Singh Johal
Spl. Judge(NDPS)/ASJ
North Distt., Rohini Courts,
Delhi/20.01.2026