

Bail Matter: 440/2026
State Vs. Asif @ Chikna
FIR No. 189/2026
PS: Seelampur
U/s: 21 NDPS Act &
Sec. 25 Arms Act

02.06.2026

**ORDER ON APPLICATION FOR GRANT OF BAIL
FILED ON BEHALF OF THE APPLICANT/ACCUSED ASIF
@ CHIKNA**

1. This order of mine shall dispose of an application for regular bail filed on behalf of the applicant/accused Asif @ Chikna.
2. I have heard the counsel for the applicant/accused and the Ld. Addl. Public Prosecutor for State.
3. Sh. Jagmohan Singh, Ld. Counsel for the applicant/accused Asif @ Chikna has submitted that the applicant/accused was lifted from his house on 12.05.2026 and he was arrested in the present case. The applicant/accused has been falsely implicated in the present case. However, he has no concern with the alleged offence and he has not committed any offence as alleged. Even, nothing was recovered from the possession of the applicant/accused and the alleged recovery of the contraband is planted upon the applicant/accused. Ld. Counsel has also submitted that no public witness was joined during the search and arrest proceedings of the applicant /accused, though the spot was very crowded area.

4. Ld. Counsel for the applicant/accused has further submitted that the applicant/accused is not a previous convict and is having clean antecedent. The applicant/accused is a young aged boy and is a sole bread earner of his family. Ld. Counsel has also submitted that there is no chance of absconding of the applicant/accused or tempering with the witnesses of the case and no purpose would be served by keeping the applicant /accused behind bars any longer and prayed for grant of bail to the applicant/accused, as he is ready to abide by any condition which may be imposed upon him by this Hon'ble Court.

5. On the other hand, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for bail and submitted that in the case in hand, 9.090 grams of smack and one illegal buttondar knife were recovered from the possession of the applicant/accused. The applicant/accused has committed the offences u/s. 21 NDPS Act & 25 of Arms Act, which is serious in nature, so, he does not deserve the concession of bail and prayed for dismissal of the present application for grant of bail.

6. IO has also filed his reply and opposed the present bail application submitting that the applicant/accused may indulge in similar offence again, if he may be released on bail.

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. Perusal of the record reveals that in the case in hand, 9.090 grams of smack and one illegal buttondar knife are alleged to have been recovered from the applicant/accused. Admittedly, the quantity of the recovered contraband, in the case in hand, is intermediate in nature.

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, qua the present applicant/accused is almost complete, as recovery has already been effected from the applicant/accused and the quantity of contraband allegedly recovered from the applicant/accused falls within the category of intermediate quantity. The present applicant/accused is in judicial custody since the day of his arrest i.e. 12.05.2026 and it may take some time in filing of the chargesheet and completing the trial. As per the reply filed by the IO, no previous conviction or involvement of the present applicant/accused has come on record.

13. Considering all the facts and circumstances of the present case, the fact that in the present case, investigation is almost complete, although chargesheet is yet to be filed and the fact that intermediate quantity of the contraband has been recovered from the present applicant/accused and it will take some time in filing of the chargesheet and in concluding the trial, therefore, the applicant/accused Asif @ Chikna is ordered to be released on bail on furnishing personal bond in the sum of Rs.25,000/- with one surety of like amount and subject to the following conditions:

- (i). He will not come in contact with any of the witnesses of the prosecution.
- (ii). He will not tamper with the evidence of the prosecution.
- (iii). He will not indulge in any criminal activity of similar nature in future.
- (iv). 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.
- (v). He will join the investigation and continue to do so, as and when called by the IO.
- (vi). He will appear before this court on each and every date of hearing.

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 the applicant/accused.

15. In the above said terms, the application for grant of bail filed on behalf of the applicant/accused Asif @ Chikna stands **allowed**.

16. Dasti copies of this order be provided to the parties.

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

(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/02.06.2026