



2025:DHC:5448



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.07.2025

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BAIL APPLN. 1779/2025

RAHUL

.....Petitioner

Through: Mr. C.M. Sangwan, Advocate

versus

THE STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Mr. Ritesh Kr. Bahri, APP with Ms.
Divya Yadav, Advocate for the State**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. In pre-lunch session, the matter was passed over as neither the counsel for accused/applicant nor the IO appeared. In this post-lunch session, learned counsel for accused/applicant and the IO have appeared. I have heard learned APP for State and learned counsel for accused/applicant.
2. The accused/applicant seeks regular bail in case FIR No. 71/2025 of PS Burari for offence under Section 8/21 NDPS Act.
3. Broadly speaking, the allegation against the accused/applicant is recovery of 58.6 grams heroin, which is an intermediate quantity, so bar under Section 37 NDPS Act does not apply. The accused/applicant was arrested on 23.03.2025 and remains in jail since then, though for three days he was granted interim bail after which he surrendered.



4. On last date, learned APP had alleged that there are Call Detail Records between the accused/applicant and co-accused Simran and voice notes reflecting the complicity of the accused/applicant in the offence. Today in pre-lunch session, the IO did not appear, so matter was passed over awaiting those CDRs and voice notes. Now, the IO has produced the voice notes in a pendrive which is played in court room. The voice notes are completely vague and nothing can be deduced from the same, much less complicity of the accused/applicant in the crime. As regards CDRs, the same have not been shown and even otherwise, according to prosecution also, the accused/applicant and co-accused Simran are living together, so their telephonic connectivity does not lead to any inference of complicity in crime.

5. So far as the alleged recovery of contraband is concerned, the same was not in consequence of any disclosure statement, but a search carried out in the premises, occupied jointly by the accused/applicant and suspect Simran.

6. In other words, currently there is no cogent evidence to connect the accused/applicant with the alleged offence.

7. Considering the above circumstances, the application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court.



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8. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant forthwith.

**GIRISH KATHPALIA
(JUDGE)**

JULY 10, 2025/ry