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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 11.08.2026*# **CNR No. DLHC010366262026**+ **BAIL APPLN. 3224/2026 & CRL.M.A. 24246/2026**

RABIUL

.....Petitioner

Through: Ms. Shivani Sharma, Advocate.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Sudhir Kumar, PS ANS/SED.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.11/2026 of PS Sunlight Colony for offence under Section 20/29 of NDPS Act.
2. Broadly speaking, allegation against the accused/applicant is that he is a part of drug syndicate and from five of his co-accused persons, a total quantity of 91.122 kg *ganja* was recovered. Admittedly, from the accused/applicant, no contraband was recovered.
3. Learned counsel for accused/applicant submits that he has been



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falsely booked and without any evidence, he is suffering incarceration since 17.01.2026.

4. Learned APP for State assisted by IO/SI Sudhir Kumar accepts notice and strongly opposes the bail application on the ground that the accused/applicant is the mastermind of the drug syndicate, from which syndicate, 91.122 kg *ganja* was recovered and the said quantity being commercial quantity, the dual conditions of Section 37 of NDPS Act must be invoked.

5. In response to a specific query, learned APP for State on instructions submits that the evidence collected against the accused/applicant is the disclosure statements of co-accused persons, Call Detail Report connectivity between the accused/applicant and the co-accused persons, and payments of Rs. 20,000/-, Rs. 12,000/-, Rs. 8,000/-, Rs. 3,000/- and Rs. 800/- made by the accused/applicant to co-accused. Further, it is also submitted by learned APP for State that the accused/applicant is involved in three more cases, though in none of those, offence is under NDPS Act.

6. Of course, where the recovery of the contraband is of commercial quantity, the twin conditions stipulated under Section 37 of NDPS Act must come into play. But before that, the Court must examine as to whether there is some reliable and legally admissible evidence to connect the accused with the alleged recovery of commercial quantity contraband. Merely because



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from someone else, commercial quantity of contraband is recovered, in the absence of any reliable evidence, it is not appropriate to deny liberty to the accused under the pretext that he is somehow connected with the other person.

7. In the present case, so far as the telephonic connectivity between the accused/applicant and co-accused is concerned, the IO fairly admits that as on date, he does not have record of Customer Application Form (CAF) of either of the telephones allegedly used for connectivity. Therefore, merely the CDRs cannot support any allegation against the accused/applicant. Moreover, admittedly none of the telephonic calls between the accused/applicant and co-accused were intercepted by any agency to ascertain as to what was being spoken. In the absence of any material to show what was being spoken between the two persons, mere CDR connectivity might not be a cogent piece of incriminating evidence.

8. Similarly, as regards the alleged payments made by the present accused/applicant to co-accused, looking at the petty quantum of amount, it cannot be said with certainty that the said money was paid towards cost of any contraband.

9. Ultimately, there are only the confessional statements of co-accused persons when they were in police custody and there having been no recovery in furtherance of those statements, the statements remain only confession



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and do not even become disclosure.

10. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.

11. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

12. It is made clear that none of the above observations shall be read to the prejudice of either side at the culmination of trial and on the above aspects, the learned trial court shall take independent view on the basis of evidence adduced during trial.

13. Accompanying application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 11, 2026/dr