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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 12.08.2026# **CNR No. DLHC010092312026**+ **BAIL APPLN. 1043/2026**

NAFI NAZAR

.....Petitioner

Through: Mr. Kiran Narayanan, Advocate
(*through video conferencing*).

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Ms. Shelly Dixit, Advocate.

CORAM: JUSTICE GIRISH KATHPALIA**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in Crime No. VIII/77/DZU/2021 dated 17.12.2021 of PS Narcotics Control Bureau, Delhi for offence under Section 8/21(c)/23/29 of NDPS Act.

2. This bail application was earlier pending before coordinate benches of this Court and was ultimately transferred to this bench for hearing today.

3. I have heard learned counsel for accused/applicant and learned counsel for respondent/NCB.



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4. Broadly speaking, the prosecution case is as follows. On 24.07.2025, the accused/applicant was apprehended on the basis of LoC by the officials of Bureau of Immigration at Cochin Airport and was arrested. Earlier, on 07.12.2021, on the basis of a secret information, the NCB recovered a parcel containing 480 grams *charas* and 60 grams Methamphetamine from DTDC office. The said parcel had allegedly been sent by the co-accused Harikrishan, from whose house further recovery of 145 grams of Methamphetamine was affected. Thereafter, co-accused Paschal was arrested on 08.12.2021 and from his residence 60 grams cocaine and 55 grams Methamphetamine was recovered. The arrested accused persons in their disclosure statements named the present accused/applicant from which the NCB came to know that the parcel had been booked on directions of the present accused/applicant. According to the NCB, the illegal drug cartel is being run by the present accused/applicant as kingpin.

5. Learned counsel for accused/applicant submits that he is innocent and has been in custody since 24.07.2025 without any legally admissible evidence.

6. Learned counsel for respondent/NCB submits that the accused/applicant had been absconding, so LoC had to be obtained against him which led to his arrest at the Cochin Airport. It is further submitted by learned counsel for NCB that apart from disclosure statements of co-accused persons, there is also evidence in the form of telephonic connectivity



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between the present accused/applicant and co-accused persons as well as money transactions. It is submitted by learned counsel for NCB that the stand taken by the accused/applicant regarding his spice business is an after-thought, because in his statement made to the NCB, he did not say so.

7. Learned counsel for accused/applicant in rebuttal submits that the accused/applicant is dealing in business of spices and the money transactions between him and co-accused, Aslam were only in that connection. Further, it is explained by learned counsel for accused/applicant that initially when the complaint was filed by NCB, there was no involvement of the present accused/applicant, which shows that the case was fabricated against him at a later stage.

8. So far as the telephonic connectivity is concerned, merely because call detail records reflect telephone calls between two persons, complicity to the extent of incrimination cannot be inferred. Admittedly, none of the calls allegedly exchanged between the present accused/applicant and any of the co-accused persons was intercepted to ascertain as to what was being spoken by them.

9. As regards the alleged money transactions, the amounts transacted are not substantial enough to infer that the same was payment for contraband purchase or sale. Besides, one wonders as to why the persons dealing in illegal money would transact through bank, as in the present case.



10. As mentioned above, the complaint against the co-accused persons was filed by NCB in the year 2021 after completion of investigation and in paragraph 95 of the said complaint, the NCB stated that investigation *qua* the present accused/applicant is kept open, so supplementary complaint would be filed. That was the status as on 04.06.2022. The accused/applicant has placed on record documents reflecting that on 28.04.2022, NCB wrote a letter to the local unit of NCB at Kochi, calling upon them to verify the antecedents and address of the present accused/applicant discreetly, in response to which, the local unit of NCB at Kochi reported that the present accused/applicant was not residing at the given address and that no case was registered against him in the local police station. Even thereafter, passport of the accused/applicant was renewed on 12.09.2023. The LoC was issued on 10.07.2025 and till that day, nothing was done to call the accused/applicant for joining investigation.

11. Ultimately, the only evidence against the accused/applicant is the disclosure statement of co-accused persons. To reiterate, nothing incriminating was recovered from the accused/applicant.

12. Further, the co-accused Paschal also has been granted bail today itself largely for the reason of snail-paced trial in which during past more than one year, the NCB could examine only one witness. So far as the present accused/applicant is concerned, since he was arrested only on 24.07.2025, even charge is yet to be framed.



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13. Considering the above circumstances, I find no 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.1,00,000/- with one surety in the like amount to the satisfaction of the trial court.

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

15. Of course, none of the above observations shall be read to the prejudice of either side at the culmination of trial and at that stage, the trial court shall take an independent view on the basis of evidence adduced.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 12, 2026/dr