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

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Date of Decision: 15.09.2026# **CNR No. DLHC010275722026**+ **BAIL APPLN. 2446/2026 & CRL.M.A. 18905/2026**

RUPESH KUMAR

.....Petitioner

Through: Mr. Gourav Arya, Proxy Counsel.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with ASI Shridhar, PS Kashmere
Gate.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 690/2025 of PS Kashmere Gate for offence under Section 20/25/29 NDPS Act.

2. Broadly speaking, the prosecution case is as follows. On 08.10.2025, co-accused Ved Prakash was apprehended and 16.362 kg *ganja* was recovered from him, so he was arrested. On disclosure statement of Ved Prakash, another co-accused Ratan Rai was apprehended on 11.10.2025 and



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from his possession, 5.070 kg *ganja* was recovered, so he also was arrested. On the disclosure statement of Ratan Rai, co-accused Karpai was apprehended and from her possession, 86 pouches of *ganja* were recovered so she also was arrested. Thereafter, a raid was carried out at the residence of the present accused/applicant but he was not found at home.

3. On behalf of accused/applicant, the arguing counsel has not appeared, so passover is requested by proxy counsel. But on account of pending heavy board, passover is not possible. As such, I have heard learned APP for State and examined the record.

4. Learned APP for State, assisted by Investigating Officer/ASI Shridhar, opposes the anticipatory bail application of the accused/applicant and submits that as evidence collected against the accused/applicant, the Investigating Officer has found that 25 phone calls were made by the present accused/applicant to co-accused Ved Prakash during the period from 16.06.2025 to 07.10.2025.

5. No other evidence has been collected against the present accused/applicant as per prosecution.

6. It would also be relevant to record that on last date, after preliminary hearing, the accused/applicant was granted interim protection from arrest till this day, subject to his joining investigation. There is no allegation that the



accused/applicant misused that interim liberty in any manner.

7. As narrated above, admittedly nothing incriminating has been recovered from possession of or at the instance of the accused/applicant.

8. Another interesting aspect is that on last date, it was recorded in the order that *“the present is not a case where the Investigating Officer would reach the accused/applicant on the basis of disclosure of the co-accused”* and *“none of the accused persons named the present accused/applicant”*. This statement was made by learned counsel for accused/applicant in presence of the Investigating Officer, but he did not challenge that. Today, in the course of dictation of this order, the Investigating Officer submits that the present accused/applicant was named as Ram Prasad in the disclosure statement of co-accused Ved Prakash and subsequently, on being shown photograph of the present accused/applicant, the co-accused Ved Prakash gave his supplementary disclosure statement identifying that photograph as Ram Prasad. To say the least, nothing can be more farcical when it comes to such investigation.

9. Going a step deeper, as mentioned above, the only evidence collected by police against the present accused/applicant is the telephonic connectivity in the sense that during the period from 16.06.2025 to 07.10.2025, total 25 phone calls were made by the present accused/applicant to co-accused Ved Prakash. Admittedly, none of those calls was intercepted in order to



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ascertain as to what was being spoken between the two persons. More importantly, the phone number, which is alleged to be of co-accused Ved Prakash is admittedly not in his name according to Customer Application Form.

10. Considering the above circumstances, I find no reason to deprive liberty to the accused/applicant.

11. Therefore, this anticipatory bail application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail, subject to his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the IO/SHO.

12. Accompanying application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 15, 2026/dr