



2026:DHC:377



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

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Date of Decision: 16.01.2026

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BAIL APPLN. 175/2026, CRL.M.A. 1488/2026 & 1487/2026

HARISH KUMAR

.....Petitioner

Through: Mr. Balaji Pathak, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Tanish Kumar, NDR/Crime
Branch**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.59/2025 of PS Crime Branch for offence under Section 20/25/29 NDPS Act.

2. Learned proxy counsel for accused/applicant requests for passover awaiting the arguing counsel, which is not possible due to pending heavy board. And in view of facts and circumstances of this case, adjourning the matter would not be appropriate. Therefore, I have heard learned APP for State assisted by IO/SI Tanish Kumar.



3. Broadly speaking, the prosecution case is that on 04.03.2025 at about 08:30pm, on the basis of secret information, a trap was laid by the local police to apprehend one proclaimed offender, Balkesh. On being apprehended, it was found that Balkesh was taking delivery of a bag from a person who came in a car. The bag was found to contain 11.630kg *ganja*. In the process, driver of the car fled away after abandoning the car. From the car, 56.642kg *ganja* was recovered. Accused Balkesh was arrested and investigation proceeded further. On 19.04.2025, the accused/applicant was arrested on the basis of disclosure statement of accused Balkesh.

4. Admittedly, nothing incriminating has been recovered from the accused/applicant and his arrest is solely on the basis of disclosure statement of Balkesh. More importantly, even in the alleged disclosure statement, Balkesh did not name the accused/applicant but named one Vijay. The said disclosure statement of accused Balkesh is at page no. 43 of paperbook. However, accused Balkesh made a second disclosure statement, naming the present accused/applicant as driver of the car. The fact remains that there are two disclosure statements, contrary to each other. Most importantly, Balkesh, from whom the contraband was allegedly recovered has already been released on bail.

5. Considering the above circumstances, I find no reason to further deprive the accused/applicant liberty. 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.10,000/- with one surety in the like amount



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to the satisfaction of the Trial Court. Accompanying applications also stand disposed of.

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

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 16, 2026/as