



2026:DHC:381



\$~43

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

%

*Date of Decision: 16.01.2026*+ **BAIL APPLN. 180/2026**

SAGAR

.....Petitioner

Through: Mr. Siddharth, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State  
with IO/SI Deepak and SI Vishal, PS  
Bhalswa Dairy**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 677/2025 of PS Bhalswa Dairy for offence under Section 21/25/29 NDPS Act.

2. Broadly speaking, by way of chance recovery, 102.56 grams smack was recovered from three persons, who disclosed that the same was to be delivered by them to the present accused/applicant.

3. Learned counsel for accused/applicant submits that there is no admissible evidence on the basis whereof the accused/applicant can be justifiably arrested. It is submitted that the accused/applicant has been



2026:DHC:381



falsely implicated in this case, and he is a resident of Mathura with no links with any of the arrested accused persons. Learned counsel for accused/applicant also submits that the accused/applicant is willing to join investigation as and when directed by the IO.

4. On the other hand, learned APP for State assisted by IO/SI Deepak opposes the anticipatory bail application on the ground that the accused/applicant was supposed be the receiver of the recovered smack. Further, it is submitted by learned APP for State that the accused/applicant has not joined investigation, so non-bailable warrants against him have been obtained.

5. In response to a specific query, learned prosecutor submits that the only incriminating evidence against the accused/applicant is his 20 phone calls on the night of the recovery between him and co-accused persons. But admittedly, the SIM card allegedly used in those phone calls by the accused/applicant does not belong to him. It is submitted by the IO that the said SIM belonged to sister of the accused/applicant, who stated that the accused/applicant had taken that SIM card from her. Such evidence cannot be treated as incriminating evidence to the extent of justifying the incarceration of the accused/applicant.

6. So far as the requirement to join investigation is concerned, learned counsel for accused/applicant submits that the accused/applicant is duty bound and shall certainly join investigation as and when directed in writing by the IO at his address given by the accused/applicant in the present



2026:DHC:381



application.

7. Considering the overall circumstances as described above, I find no reason to deprive the accused/applicant liberty.

8. The 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. 10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned and also subject to the condition that the accused/applicant shall join investigation as and when directed by the IO in writing by way of notice served on his address mentioned in the present bail application.

**GIRISH KATHPALIA  
(JUDGE)**

**JANUARY 16, 2026/as**