



2026:DHC:5710



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

% *Date of Decision: 17.07.2026*

+ **BAIL APPLN. 1648/2026**

RAM HARI RAI

.....Petitioner

Through: Mr. Aditya Aggarwal, Mr. Naveen Panwar, Ms. Manvi Gupta, Ms. Japneet and Mohd. Yasir, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with IO/SI Yashpal.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 74/2026 of Police Station Amar Colony for offence under Section 20 of NDPS Act.
2. Broadly speaking, the allegation against the accused/applicant is that he provided accommodation to the main accused Man Bahadur, from whom commercial quantity of *charas* was recovered. On last date of hearing, after hearing both sides, the accused/applicant was granted interim protection from arrest till this date.



3. But it is extremely unfortunate that despite the accused/applicant having been granted interim protection till this date, the prosecution did not file status report. It is submitted by learned APP that they had filed the status report but the same is not on record as it is lying under objections. It was for the prosecution side to ensure that the objections were removed in time. More deplorable is the conduct of the Investigating Officer that he started briefing the learned prosecutor only after this matter was called and the court kept waiting for the briefing to complete in the courtroom. This is not how the issue of liberty must be addressed by the State agencies. The police cannot simply arrest and dump people in jail, without any serious participation, where they want to oppose the grant of liberty. It has been repeatedly directed that as it used to happen few years earlier, the investigators must brief the prosecutors prior to commencement of court.

4. Be that as it may, I have heard learned APP for State assisted by Investigating Officer/SI Yashpal.

5. Admittedly, apart from the confessional statement of accused Man Bahadur, recorded when he was in police custody, there is no other evidence collected against the present accused/applicant.

6. Learned APP, on instructions of Investigating Officer, contends that the accused/applicant did not join investigation despite having been granted



interim protection from arrest by last order. Learned counsel for accused/applicant submits that the Investigating Officer never called the accused/applicant to join investigation. On this aspect, the Investigating Officer submits that despite efforts, he could not trace out the accused/applicant, but he can produce neither any notice taken to be served on the accused/applicant, nor any DD Entry recorded by him before proceeding to the house of the accused/applicant nor any Case Diary of the present case, reflecting any such effort done by him.

7. It is also submitted by learned APP that in an earlier case, the accused/applicant was granted bail but became untraceable, so his surety was called by the trial court and the surety expressed unawareness about the address of the accused/applicant. On this aspect, the Investigating Officer has not filed any document reflecting any effort done by him to verify the address of the accused/applicant as disclosed in memo of parties to this bail application. As mentioned above, even status report has not been filed. Going a step deeper, it is also not denied that the Investigating Officer never tried to contact the counsel for the accused/applicant or even the learned prosecutor to report to them that the accused/applicant is not traceable.

8. At this stage during dictation of this order, learned APP requests that learned counsel for accused/applicant be directed to provide to the Investigating Officer, any address of the accused/applicant other than the one mentioned in the memo of parties, if so available, along with mobile



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phone number of the accused/applicant. Learned counsel for accused/applicant assures to take appropriate instructions from his client.

9. Considering the overall circumstances narrated above, I find no reason to deprive the accused/applicant liberty. 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.25,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned.

10. Copy of this order be sent to the Commissioner of Police through Senior Standing Counsel directing issuance of appropriate instructions to the investigating officers across Delhi, since similar directions issued earlier to DCPs yielded no result.

**GIRISH KATHPALIA
(JUDGE)**

JULY 17, 2026/ry