



2025:DHC:6997



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

% *Date of Decision: 19.08.2025*

+ **BAIL APPLN. 3137/2025 & CRL.M.A. 24356/2025**

RAFAT HUSSAINPetitioner

Through: Mr. Khushi A. Ayubi, Advocate.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Amit Ahlawat, APP for State
with SI Kartar Singh and SI Raj
Kumar, PS Anti Narcotics Cell

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant, having been formally arrested on 20.09.2024, seeks regular bail in case FIR No. 292/2024 of PS Bhalaswa Dairy for offence under Section 21/29 NDPS Act.

2. It is contended by learned counsel for the accused/applicant that there is no evidence at all against the accused/applicant and he has been falsely booked. Learned counsel for the accused/applicant takes me through record to contend that the only material against the accused/applicant is an alleged confession of the co-accused when the latter was in police custody and the same cannot be read against the accused/applicant.



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3. Learned APP accepts notice and in all fairness admits that apart from a disclosure statement of the co-accused, there is no other evidence against the accused/applicant. Learned APP submits that role of the accused/applicant is of a conspirator.

4. It appears that initially in the present case for offence under Section 21 NDPS Act, one Mohd. Shoaib was arrested and on his disclosure statement, Saddam and Rampal were arrested. After filing of chargesheet against them, the IO received an information that one Rafat Hussain (*the accused/applicant*) had been arrested in Bareilly and had disclosed about his involvement in the present case as well. As such, the IO interrogated accused/applicant in Rohini Jail and formally arrested him in the present case. In his disclosure statement, the accused/applicant allegedly named a few more persons as his accomplices, but none of them could be found available at their given addresses. Thence, as rightly submitted by learned counsel for the accused/applicant, there is no material on record to connect the accused/applicant with the present case.

5. As regards the prosecution case related to the allegation of conspiracy under Section 29 NDPS Act, admittedly, no communicational connectivity between the accused/applicant and any of the co-accused persons has been found. On this aspect, learned prosecutor on instructions of IO submits that the accused/applicant destroyed his mobile phone, so CDRs could not be obtained. For obtaining CDRs one does not need the mobile phone handset. In other words, even as regards the alleged conspiracy, there is no material



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on record to justify further incarceration of the accused/applicant.

6. Therefore, the application is allowed and it is directed that the accused/applicant 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 learned trial court.

7. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 19, 2025/ry