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

% *Date of Decision: 19.11.2026*

\# **CNR No. DLHC010511182026**

\+ **BAIL APPLN. 4516/2026**

SHEKH ASRAF .....Petitioner

Through: None

versus

THE STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Amit Ahlawat, APP for State with SI Umesh Pal

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 138/2026 of Police Station Jahangir Puri for offence under Section 20/61/29 NDPS Act.

2. The order passed today in the first call is extracted below:

> *"1. At the outset, learned APP submits that now vide order dated 05.11.2026, the accused/applicant has been declared Proclaimed Offender, so the present anticipatory bail application is not maintainable.*
> *2. Be awaited for counsel for accused/applicant."*

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3. Even in this second call, none has appeared for accused/applicant. As recorded in the previous call, the accused/applicant now stands declared Proclaimed Offender. Of course, being Proclaimed Offender does not mean that anticipatory bail application is not maintainable. But what is to be seen is as to whether there are exceptional circumstances favouring the Proclaimed Offender accused/applicant for grant of anticipatory bail. What is to be seen is as to whether it is a case of there being no *prima facie* offence made out against the accused/applicant. In this regard, reference can be drawn from the judgment of the Hon'ble Supreme Court in the case of ***Balmukund Singh Gautam vs. State of Madhya Pradesh and Anr.***, (2026) 6 SCC 216 and of this Court in the case of ***Vikas Yadav vs State of NCT of Delhi & Anr.,*** 2026:DHC:9520.

4. I do not find it a case of no *prima facie* offence made out against the accused/applicant. Besides, regular bail application filed on behalf of co-accused Jarina was listed yesterday itself and withdrawn, as per the IO.

5. Considering the above circumstances, the anticipatory bail application is dismissed.

GIRISH KATHPALIA

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GIRISH KATHPALIA
(JUDGE)

NOVEMBER 19, 2026/*as*

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