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

% *Date of Decision: 22.05.2025*

+ **BAIL APPLN. 1971/2025 & CRL.M.A. 15967/2025**

SURAJ BHAN

.....Petitioner

Through: Mr. Abhishek and Mr. Umesh Kumar,
Advocate.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with ASI Raj Kumar, PS
Dwarka North.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No.137/2025 of PS Dwarka North for offences under Section 08/20/25 NDPS Act. Broadly speaking, allegation against the accused/applicant is that on the basis of a secret information, car bearing no.DL-8C-AB-0724 was intercepted and 12 kilograms 10 grams of *ganja* was recovered from the same. The said car was owned by the present accused/applicant though being driven by co-accused Anil. Accordingly, after further investigations, the IO zeroed down on the accused/applicant but the latter absconded, so the



IO obtained non-bailable warrants against him.

2. In the above backdrop, learned counsel for accused/applicant submits that the accused/applicant is innocent as his role was only to give his personal car on rent to Anil and he was not aware about the usage of the car. However, learned counsel for accused/applicant submits that he has no documentary material in support of this submission.

3. Learned counsel for accused/applicant places reliance on order dated 03.11.2023 passed by a coordinate bench in the case of ***Babli vs State of NCT of Delhi***, Bail Application No.3258/2023, in which it was held that disclosure statement of a co-accused cannot lead to conviction and where overall role of the accused is yet to be ascertained, bail should not be denied.

4. The judicial precedent cited on behalf of the accused/applicant cannot help him. In the present case, it is not a mere disclosure statement. It is a case where the car from which the contraband was recovered is admittedly owned by the accused/applicant and there is no material to show that the car was given on rent to the co-accused Anil. Similarly, it is also not a case where role of the accused/applicant is yet to be ascertained.

5. The IO submits that since the accused/applicant is absconding, further investigation through the money transactions into his bank account cannot be carried out and as such, custodial interrogation is necessary.



2025:DHC:4187



6. In view of the above circumstances, I do not find it a fit case to grant anticipatory bail. The application is dismissed. Pending application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

MAY 22, 2025/ry