



2025:DHC:5995



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 24.07.2025

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BAIL APPLN. 2233/2025

SHAHNAJ

.....Petitioner

Through: Mr. Sharwan Kumar Tiwari,
Advocate.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with IO/ASI Chander Pal**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant, arrested on 18.04.2025, seeks regular bail in case FIR No. 353/2025 of PS Jahangir Puri for offences under Section 21/25/29 NDPS Act.

2. Broadly speaking, even according to the prosecution case, no contraband was recovered from the accused/applicant, though she is involved in conspiracy. On last date, the learned APP submitted that the only evidence of conspiracy against the accused/applicant is her telephonic connectivity with the main accused Paras. On last date, the IO had shown Call Detail Records (CDRs) reflecting multiple telephone calls between the accused/applicant and accused Paras. But that day there was no Customer



Application Form (CAF) to show that the telephone numbers being shown to the court belonged to the accused/applicant and accused Paras, so the matter was adjourned at the request of learned APP for further investigation.

3. Today, learned APP assisted by IO/ASI Chanderpall has produced the photocopies of CAF of two telephones, one of which is in the name of the accused/applicant while the other is in the name of accused Paras. Learned APP submits that there were more than 850 telephone calls exchanged between the accused/applicant and the accused Paras. Apart from this, there is no evidence of any connectivity between the accused/applicant and accused Paras, as per prosecution.

4. Learned counsel for accused/applicant explains that since the accused/applicant and accused Paras are neighbours, their connectivity over the phone cannot be taken to be an evidence of conspiracy, more so, because even the alleged connectivity is not proximate to the date of the alleged recovery of contraband from accused Paras.

5. As mentioned above, the only allegation against the accused/applicant is that she conspired with the main accused Paras in committing crime under Section 21/25/29, NDPS Act. And the only evidence on the basis whereof prosecution claims conspiracy between the accused/applicant and accused Paras is the telephonic connectivity established from CDRs. Evidently, there is no audio recording of even single phone call between the accused/applicant and the main accused Paras; also there is not even any text



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chat between them.

6. Most importantly, the CDRs produced by prosecution pertain to the period from 06.09.2024 to 07.01.2025, whereas the alleged recovery of contraband from accused Paras was on 03.04.2025. That being so, even CDRs would not be a reliable evidence of conspiracy to such an extent that a lady is kept in jail.

7. Considering the overall circumstances mentioned above, the application is allowed and it is directed that subject to the accused/applicant furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the concerned court of Special Judge NDPS Act, the accused/applicant be released on bail.

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

**GIRISH KATHPALIA
(JUDGE)**

JULY 24, 2025/ry