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

**%** ***Date of Decision: 17.11.2026***

\# **CNR No.DLHC010423802026**

\+ **BAIL APPLN. 3742/2026, Crl.M.A. 27783/2026**

MEHMOOD ALI .....Petitioner

Through: Mr. Suraj Prakash Sharma, Mr. Pranav Prakash Sharma and Mr. Ankit Sharma, Advocates.

versus

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

Through: Ms. Priyanka Dalal APP for State.

**CORAM:**
**HON'BLE MR. JUSTICE SACHIN DATTA**

**SACHIN DATTA, J. (ORAL)**

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case FIR No. 254/2026 dated 21.05.2026 under Sections 20/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') registered at P.S. Bawana, Delhi.

2. The prosecution case, in brief, is that 90.225 kg of contraband was recovered from the possession/premises of the main accused, Abdul Rehman @ Bablu. This is a commercial quantity. The FIR was registered under Sections 20 and 25 of the NDPS Act. Section 29 of the NDPS Act was added during the investigation. The FSL report has found the substance to be Ganja.

3. The petitioner is not named in the FIR. He was brought into the investigation through an analysis of the call detail records (CDRs) of the

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main accused, Abdul Rehman @ Bablu. The mobile number registered in the petitioner's name is stated to have had several contacts with the number of that accused. The bank statement of the accused Abdul Rehman @ Bablu shows UPI transactions linked to the petitioner's number, aggregating approximately Rs.2,09,740/-. These transactions are stated to have taken place before the recovery made on 21.05.2026.

4. The petitioner was arrested on 06.07.2026. Nothing was recovered from the petitioner in his personal search. On 29.08.2026, the learned Special Judge (NDPS), North District, Rohini Courts, Delhi dismissed his application for bail.

5. The State has filed a Status Report dated 02.10.2026. Importantly, it states that the role of the petitioner is being investigated and that the exact nature and purpose of the communication and financial transactions are being further verified. The relevant portion of the same reads as under:

> 11. That during investigation, the relevant CAF/CDR records and bank statements have been obtained and placed on the case file. The FSL Examination Report has also been obtained, wherein the examined exhibits were found to be Ganja.
>
> 12. That the role of accused Mehmood Ali is being investigated on the basis of the material collected during investigation, particularly the CDR connectivity with accused Abdul Rehman @ Bablu and the financial transactions connected with mobile number 9818919018. The exact nature and purpose of the aforesaid communication and financial transactions are being further verified from the relevant documentary and electronic records.
>
> 13. That the invcstigation is still in progress and the remaining relevant evidence, if any, is being collected and analyzed. The investigation also includes examination of the roles of other persons connected with the present case. Upon completion of investigation, the appropriate final report/charge-sheet shall be filed.

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6. During the hearing, the Court was informed that the charge-sheet has since been filed and that the investigation is complete. It is also informed that the co-accused persons, namely, Saddam and Ruksana, have already been granted bail by the learned Special Judge (NDPS) vide orders dated 08.06.2026 and 12.06.2026, respectively. The order granting bail to the co-accused Saddam has been placed on record.

7. Learned counsel for the petitioner emphasises that nothing has been recovered from the petitioner and that he is not named in the FIR. It is further submitted that the petitioner is entitled to bail on parity with the co-accused.

8. Learned APP for the State, relying upon the Status Report, submits that the quantity is commercial in nature and that the petitioner was in regular contact and had money dealings with the main accused person.

9. I have given my thoughtful consideration to the matter.

10. The quantity is commercial in nature and Section 29 of the NDPS Act is invoked. The rigour of Section 37 of the NDPS Act therefore applies. In terms of Section 37(1)(b)(ii) of the NDPS Act, where the Public Prosecutor opposes the application, bail can be granted only if the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

11. The Supreme Court has, however, clarified that for the purpose of Section 37 of the NDPS Act, this Court is not required to record a categorical finding to the effect that the accused is not guilty or to minutely weigh the evidence. In this regard, reference may be made to the judgment of the Supreme Court in ***Union of India v. Shiv Shanker Kesari*** (2007) 7 SCC 798, wherein it was observed as follows:-

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> *"11. The court while considering the application for bail with reference to Section 37 of the Act is not called upon to record a finding of not guilty. It is for the limited purpose essentially confined to the question of releasing the accused on bail that the court is called upon to see if there are reasonable grounds for believing that the accused is not guilty and records its satisfaction about the existence of such grounds. But the court has not to consider the matter as if it is pronouncing a judgment of acquittal and recording a finding of not guilty."*

12. This has been reiterated by the Supreme Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)*** (2023) 18 SCC 166, as follows:-

> *"21. A plain and literal interpretation of the conditions under Section 37 (i.e. that court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.*
>
> *22. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused's guilt may be proved. The judgments of this Court have, therefore, emphasised that the satisfaction which courts are expected to record i.e. that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Mallik [Union of India v. Rattan Mallik, (2009) 2 SCC 624 : (2009) 1 SCC (Cri) 831] ). Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436-A which is applicable to offences under the NDPS Act too (ref. Satender Kumar Antil [Satender Kumar Antil v. CBI, (2022) 10 SCC 51 : (2023) 1 SCC (Cri) 1] ). Having regard to these factors the Court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail."*

13. What weighs with this Court is that nothing was recovered from the petitioner and he is not named in the FIR. The contraband was recovered

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from the possession/premises of the main accused i.e. Abdul Rehman @ Bablu. The petitioner is sought to be connected to the main accused only through Section 29 of the NDPS Act. The only material relied upon to establish that connection is the telephonic contact and the UPI transactions between the petitioner and the main accused person.

14. The Status Report does not set out the details or the purpose of these transactions. It states only that the exact nature and purpose of the calls and financial transactions are being further verified. The evaluation of the financial transactions and call records is a matter for trial and, at this stage, these do not, by themselves, establish the petitioner's complicity. A coordinate bench of this Court in ***Niketan @ Nicky v. State (NCT of Delhi)***, BAIL APPLN. 285/2026, decided on 27.04.2026, has observed as under:

> *"9. The only other material relied upon by the prosecution, even though it is not mentioned in the status report, is CDR connectivity between the applicant and Vijay. CDR connectivity, without any evidence with regard to the contents of the calls, is not by itself sufficient to deprive the applicant of his liberty. The judgments of this Court in Aarif v. State (NCT of Delhi) [BAIL APPLN. 4678/2024, decided on 02.04.2025], and Azad v. State of GNCT of Delhi [2023 SCC OnLine Del 1769] make it clear that CDR data is, at best, supporting or corroborative evidence and is insufficient by itself to establish the guilt of the accused."*

15. In these circumstances, there are reasonable grounds for believing that the petitioner may not be guilty of the offence alleged. However, this Court is not rendering any findings as regards the merits on this aspect. The State is free to complete its verification and to place the result before the trial Court.

16. As regards the second limb of Section 37(1)(b)(ii) of the NDPS Act, the Nominal Roll dated 06.10.2026 records that the petitioner's jail conduct

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is satisfactory. Further, having regard to the stringent bail conditions being imposed hereunder, this Court is satisfied that there are reasonable grounds for believing that the petitioner is not likely to commit any offence while on bail.

17. What further weighs with this Court is that the co-accused, Saddam, who is also sought to be implicated through financial transactions with the main accused, has been granted bail, as has the co-accused Ruksana.

18. Accordingly, the present application is allowed. The applicant is directed to be released on regular bail in FIR No. 254/2026, on his furnishing a personal bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the trial Court, subject to the following conditions:

(i) The applicant/accused shall not leave NCT of Delhi or travel out of the country without prior permission of the Trial Court;

(ii) The applicant/accused shall provide his permanent address to the trial Court, and also the address where he will be residing during the pendency of the case;

(iii) The applicant/accused shall intimate the Investigating Officer (IO) and file an affidavit before the Trial Court regarding any change in his residential address;

(iv) The applicant/accused shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;

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(v) The applicant/accused shall report to the IO as and when called for by the IO;

(vi) The applicant/accused shall not directly or indirectly contact, approach, or threaten any of the cited witnesses;

(vii) The applicant/accused shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;

(viii) The applicant/accused shall appear before the trial Court on each and every date of hearing;

(ix) The applicant/accused shall not indulge in any criminal activity during the period of bail; and

(x) The applicant/accused shall appear once a month before the IO at the concerned Police Station between 10:00 am and 11:00 am.

19. In case of breach of any of the aforesaid conditions, the State shall be entitled to move an application seeking cancellation of bail.

20. It is clarified that the observations made herein are solely for the purpose of deciding the present bail application and shall neither influence the trial proceedings nor be construed as an expression of opinion of this Court on the merits of the case.

21. Let a copy of this order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

22. The application is disposed of in the above terms. Pending application/s, if any, also stand disposed of.

**NOVEMBER 17, 2026/***at/nb* **SACHIN DATTA, J**

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