



2026:DHC:9019



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

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Date of Decision: 12.10.2026

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CNR No. DLHC010492812026

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BAIL APPLN. 4338/2026, CRL.M.A. 32079/2026, CRL.M.A. 32080/2026 & CRL.M.A. 32078/2026**SHAKIL KHAN**

.....Petitioner

Through: Mr. Meghan and Mr. Mohd. Ahmad,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State wit
SI Amit Rana.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No.358/2026 of PS Jyoti Nagar for offence under Section 21/25/29 of NDPS Act.

2. Broadly speaking, prosecution case is as follows. On 10.08.2026, on the basis of secret information, a raiding team was constituted which apprehended two persons travelling on a motorcycle at about 09:50 pm. Those motorcyclists were identified by the secret informer as Ashish and

*BAIL APPLN. 4338/2026**Page 1 of 3 pages*

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2026:DHC:9019



Ashraf (*though the secret information was unnamed*). From possession of Ashish and Ashraf, total 275.83 grams smack was recovered. On their disclosure statements, co-accused Sohail was apprehended and from his possession, 8.70 gram smack was recovered, so he also was arrested. Sohail, in his disclosure statement, stated that the smack recovered from Ashish and Ashraf had been procured by him from the present accused/applicant. As per State, there is no previous involvement of the accused/applicant in any case under NDPS Act.

3. Learned counsel for accused/applicant submits that he is innocent and there is no legally admissible evidence against him.

4. Learned APP for State, assisted by IO/SI Amit Rana, accepts notice and opposes the anticipatory bail application on the ground that the IO has collected some evidence against the accused/applicant. That evidence is stated to be in the form of telephonic connectivity between the accused/applicant and co-accused Sohail. But admittedly, no phone call between them was intercepted to find out what was being spoken. Also admittedly, the telephone attributed to co-accused Sohail in context of Call Detail Report connectivity is not in the name of Sohail.

5. In this backdrop, learned APP for State, on instructions of the IO, submits that presently, there is no cogent evidence against the accused/applicant, though investigation is continuing. That being so, on

BAIL APPLN. 4338/2026

Page 2 of 3 pages

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2026:DHC:9019



instructions of IO, learned APP for State submits that as and when sufficient evidence to justify arrest is collected, the IO shall give written notice of arrest to the accused/applicant at least one week before the arrest so that the accused/applicant may again approach this Court for grant of anticipatory bail.

6. Learned counsel for accused/applicant also is agreeable to the above proposition of learned prosecutor.

7. Accordingly, this anticipatory bail application and the accompanying applications are disposed of, directing that before arresting the accused/applicant, he shall be given at least one week advance notice in writing by the IO so that the accused/applicant may approach this Court again for grant of anticipatory bail.

8. Of course, as and when directed in writing by the IO to join investigation, the accused/applicant shall so join the same.

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(JUDGE)**

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BAIL APPLN. 4338/2026

Page 3 of 3 pages

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