



2026:DHC:1622



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

Reserved on: February 20, 2026
Pronounced on: February 24, 2026

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+ **BAIL APPLN. 4335/2025**

NAZMA

.....Applicant

Through: Mr. Sajid Ahmed, Mr. Firoz Iqbal Khan, Mr. Firoz Gandhi, Mr. Alam Khan and Mohd. Shad and Mohd. Faizaan and Ms. Shabana, Advocates.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP with SI Lalit Jakhar

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present application under *Section 483* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, the applicant, namely Nazma seeks grant of regular bail in proceedings arising out of FIR No.05/2025 registered at Police Station Jahangir Puri, Delhi under *Sections 21/25* of the Narcotic Drugs and Psychotropic Substances Act, 1985².

2. *Briefly put*, as per prosecution on 06.01.2025, upon receipt of secret information about one Sajid @ Rafikul being engaged in sale and supply of heroin/ smack from his residence, a raid was conducted at his premises

¹ Hereinafter referred to as '*BNSS*'

² Hereinafter referred to as '*NDPS Act*'



leading to recovery of about 197.17 grams of heroin/ smack and Rs.1,24,510/-. The said co-accused Sajid @ Rafikul was also apprehended from his premises. The said Sajid @ Rafikul in his disclosure statement disclosed that he has procured the said contraband from the applicant Nazma and one Sahil.

3. Subsequently, co-accused Sahil was also arrested on 07.01.2025 and on his instance, Nazma's residence was identified, and notices under *Section 67 NDPS Act* were served through her relatives. During investigation, call details records³ of the applicant Nazma and Sahil were analysed and it was revealed that there were 78 telephonic contacts between Sahil and Nazma between 01.11.2024 and 05.01.2025. On 14.02.2025, Non-Bailable Warrants were issued against the applicant and subsequently she was declared a proclaimed offender. Eventually, the applicant was arrested on 11.06.2025.

4. Learned counsel for the applicant submitted that the applicant has been arrested solely on the basis of [i] disclosure statement of co-accused Sajid Rafikul, which being in the nature of custodial interrogation are not substantive evidence and carry no evidentiary weight, at this stage, and [ii] certain CDR allegedly reflecting telephonic communication records between her and other co-accused persons, which merely indicate telephonic communication between the applicant and other accused persons, without revealing content, purpose, context or any incriminating act. The same is not sufficient from establishing involvement of the applicant in illegal trade.

³ Hereinafter referred to as '*CDR*'



5. Besides these, learned counsel also submitted that though the applicant was declared proclaimed offender vide order dated 29.04.2025, however, she had never received any notice to join the investigation as the notices were sent to her matrimonial home where she is not residing, after the demise of her husband.

6. Lastly, learned counsel submitted that the applicant has been falsely implicated herein; that she is a single mother and sole care taker of her minor children including one child suffering from brain tumour and her absence is causing severe hardship to her family.

7. *Per contra*, learned APP for the State strongly opposed grant of bail to the applicant. The learned APP submitted that the applicant is habitual offender and is involved in another NDPS case arising out of FIR no.178/2021 PS: Bhalaswa Diary and it is very likely that the applicant may commit further offence of similar nature, if she is granted bail.

8. This Court has heard the learned counsel for the applicant as also the learned APP for the State and perused the documents as also the Status Report on record.

9. *Admittedly*, the applicant is not named in the FIR and no specific role can be attributed to her. It is also an admitted case that she was neither apprehended at the spot nor has any recovery whatsoever been effected from her possession. In fact, the entire case of the prosecution *qua* the applicant is solely based upon the disclosure statement of a co-accused which is, in view



of *Tofan Singh vs. State of Tamil Nadu*⁴, *per se* is not admissible without there being any corroboration. Moreover, when the purpose or context of communication existing in the CDR is shrouded in mystery, the same is a ground for granting bail to the applicant. More so, the same is an aspect to be examined at the stage of trial.

10. Accordingly, the applicant is granted regular bail in FIR No.05/2025 registered at Police Station Jahangir Puri, Delhi under *Sections 21/25* of the NDPS Act. The applicant be released subject to her furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against them and further subject to the satisfaction of the learned Trial Court, and subject to the following conditions:-

- a. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the given address. In case of any change of residential address, she shall immediately intimate about the same to the I.O. by way of an affidavit.
- b. Applicant shall surrender her Passport to the I.O. upon her release. If she does not possess the same, she shall file an affidavit before the I.O. to that effect within the stipulated time.
- c. Applicant shall appear before the learned Trial Court and/ or any other authorities on the date of each hearing(s), and/ or if, as and when

⁴ (2021) 4 SCC 1



called for, unless she is exempted therefor by the learned Trial Court and/ or any other authorities concerned.

d. Applicant shall provide all her mobile numbers to the I.O. concerned which shall be kept in working condition at all times. The mobile location be kept on at all times.

e. Applicant shall report to the I.O. at P.S. Jahangir Puri, Delhi once every month in the first week of the month, unless leave of every such absence is obtained from the learned Trial Court.

f. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

11. Accordingly, the present application is allowed and disposed of in the aforesaid terms.

12. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance thereof.

13. Needless to say, observations made herein, if any, on the merits of the matter are purely for the purposes of adjudicating the present application and shall not be construed as expressions on the merits of the matter.

SAURABH BANERJEE, J.

FEBRUARY 24, 2026/Ab/GA