



2026:DHC:2054-DB



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

Reserved on: 16.02.2026
Pronounced on: 12.03.2026

+ **W.P.(CRL) 2541/2025**

VALIDAD KHAN @ MULLAHPetitioner
Through: Ms.Sia Das and Ms.Ria Das,
Advocates

Versus

UNION OF INDIA & ORS.Respondents
Through: Ms.Rupali Bandhopadhya,
CGSC with Mr.Amit Peswani,
Mr.Abhijeet Kumar and
Ms.Amisha Gupta, Advs. for
UIO
Mr.Amol Sinha, ASC (Crl.)
with Mr.Kshitiz Garg,
Mr.Ashvini Kumar, Ms.Chavi
Lazarus, Mr.Manan Wadhwa
and Mr.Anshul Sharma, Advs.
for State with SI Ankit,
ANTF/Crime Branch

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

NAVIN CHAWLA, J.

1. This petition has been filed under Article 226 of the Constitution of India, challenging the Detention Order dated 20.03.2025, bearing File No. U-11011/01/2025-PITNDPS, passed by



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the respondent no. 2 under Section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as the, 'PITNDPS Act'), whereby the detention of the petitioner has been directed and he has been ordered to be kept in custody at the Central Prison, Puzhal, Chennai, on the ground that such detention is necessary with a view to preventing him from engaging in illicit trafficking of narcotic drugs and psychotropic substances in future.

2. In the grounds on which the Detention Order has been issued, it has been alleged that the petitioner is involved in three (03) criminal cases, that is, F.I.R. No. 43/2024 dated 25.02.2024 registered at P.S. Crime Branch, Delhi under Sections 21/27A/29/31/32 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "NDPS Act"), in which he is presently in judicial custody; F.I.R. No. 223/2019 dated 08.12.2019 registered at P.S. Special Cell, Delhi under Sections 21/29/61/85 of the NDPS Act, in which the trial against the petitioner is pending and he has been released on bail *vide* Order dated 01.12.2023; and F.I.R. No. 13/2013 dated 17.03.2013 registered at P.S. Special Cell, Delhi under Sections 21/29/61/85 of the NDPS Act, in which he has been convicted and sentenced to undergo 12 years of rigorous imprisonment along with a fine of Rs. 1,00,000/-. However, upon an appeal filed by the petitioner challenging the said conviction and sentence, the sentence has been suspended *vide* Order dated 20.03.2019.

3. The grounds of detention further make the following allegations against the petitioner:



“1.4 Other involvements:

a) *The criminal tendencies of the accused, Validad Khan i.e. you, appear to be deeply ingrained in your family as well, revealing a dangerous environment of criminal activity. Your wife, Anjum Begum, also known as Chunia, was arrested in connection with FIR No. 252/22 under the NDPS Act by the PS Crime Branch, Delhi. Additionally, your elder son, Gulzar, has been involved in two separate NDPS cases: FIR No. 680/21 under sections 21/25/29 of the NDPS Act, and FIR No. 252/22 under the same sections, both registered at the PS Crime Branch, Delhi. Your second son, Shahbaz, was arrested for murder in FIR No. 476/22 under Section 302 IPC, PS Meerganj, Bareilly. Notably, the murder victim in this case was a source in an ongoing NDPS investigation.*

b) *In total, 21,935 grams of heroin and other drugs have been seized across these various cases involving Validad Khan i.e. you, highlighting your significant involvement in the illicit drug trade. This substantial quantity of drugs underscores the depth of your criminal network, which likely extends beyond those already apprehended, with many individuals still evading law enforcement.”*

4. Based on the above factual narration, the subjective satisfaction of the Detaining Authority is recorded as under:

“2. After going through the facts and circumstances in all above-mentioned cases, it is clearly established that you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan, are actively involved in trafficking of Narcotics Drugs and Psychotropic Substances and you are a habitual offender. Your presence in the society is a threat to innocent person of the locality/State/Nation and your activities are prejudicial to society.



3. *I am aware that at present you i.e. Validad Khan @ Balidad @Mullah S/O Sultan Khan are in Judicial Custody. However, considering your conscious involvement in illegal trafficking of drugs and psychotropic substances in a repeated manner to the detriment of the society, you have a high propensity to be involved in the prejudicial activities in future.*

4. *In view of the facts mentioned above, I have no hesitation in arriving at the conclusion that you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan through your above acts engaged yourself in prejudicial activities of illicit traffic of narcotics and psychotropic substances, which poses serious threat to the health and welfare not only to the citizens of this country but to every citizen in the world, besides deleterious effect on the national economy. The offences committed by you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan are so interlinked and continuous character and are of such nature that these affect security and health of the nation. The grievous nature and gravity of offences committed by you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan in a well-planned manner clearly establishes your continued propensity and inclination to engage in such acts of prejudicial activities. Considering the facts of the present case mentioned in foregoing paras, I have no hesitation in arriving at the conclusion that there is ample opportunity for Validad Khan @ Balidad @ Mullah S/O Sultan Khan i.e. you to repeat the above serious prejudicial acts. Hence, I am satisfied that in the meantime you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan should be immobilized and there is a need to prevent you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan from engaging in such illicit traffic of narcotic drug and psychotropic substances in future by detention under section*



3(1) of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (PITNDPS) Act, 1988.

5. In view of the overwhelming evidences discussed in foregoing paras, detailing how you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan have indulged in organizing the illicit trafficking of Narcotic Drugs and Psychotropic substances as well as have a high propensity to engage in this illicit activity, it is conclusively felt that if you are not detained under section 3(1) of the PITNDPS Act, 1988, you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan would continue to so engage yourself in possessing, purchase, sale, transportation, storage, use of narcotics and psychotropic substances illegally and handling the above activities, organizing directly in the above activities and conspiring in furtherance of above activities which amount to illicit trafficking of psychotropic substances under section 2(e) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (PITNDPS) Act, 1988 in future also. I am, therefore, satisfied that there is full justification to detain you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan under section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 with a view to preventing you i.e. Validad Khan @ Balidad @ Mullah S/O Sultan Khan from engaging in above illicit traffic of narcotics and psychotropic substances specified under schedule to the NDPS Act, 1985.”

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER:

5. Challenging the Impugned Detention Order, the learned counsel for the petitioner submits that the Impugned Detention Order, though



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records that the petitioner is in judicial custody in F.I.R. No. 43/2024, fails to note that the petitioner has not applied for bail in the said case. In fact, the Impugned Detention Order records that the co-accused, Furkan Khan, had applied for bail, which was rejected by the learned Special Judge (NDPS), Shahdara District, Karkardooma Court, Delhi, *vide* Order dated 20.05.2024. The Impugned Order, therefore, fails to address the vital issue as to why the Impugned Detention Order was required to be passed when the petitioner was already in judicial custody and had not even applied for bail. In support of the said submissions, the learned counsel for the petitioner has placed reliance upon the judgments of the Supreme Court in *Roshini Devi v. The State of Telangana & Ors.*, 2026 SCC OnLine SC 47; *Dharmendra Suganchand Chelawat v. Union of India & Ors.*, (1990) 1 SCC 746; *Dulal Roy v. District Magistrate, Burdwan & Ors.*, (1975) 1 SCC 837, and of this Court in *Taimoor Khan v. Union of India & Anr.*, (2024) SCC OnLine Del 416; and *Farukh @ Chapta v. Union of India & Anr.*, 2024:DHC:3414-DB.

6. She submits that the mere involvement of the petitioner in earlier cases, cannot be a ground for passing the Impugned Detention Order, as the object of passing the Detention Order is preventive in nature and not punitive. In support of her submissions, she places reliance on the judgment of the Supreme Court in *Khudiram Das v. State of West Bengal*, (1975) 2 SCC 81, and *Pramod Singla v. Union of India & Ors.*, (2024) 19 SCC 791.

7. She further submits that, in the present case, there was an inordinate delay not only in the passing of the Impugned Detention



Order but also in its execution. She submits that although the last F.I.R., that is, F.I.R. No. 43/2024, was lodged on 12.03.2024, the Impugned Detention Order was passed only on 20.03.2025, and was executed upon the petitioner on 21.04.2025, while the petitioner was in judicial custody. No explanation has been furnished by the respondents for the delay in passing the Impugned Detention Order or in its execution. She submits that the same is sufficient to set aside the Impugned Detention Order, as it fails to disclose any live link between the grounds of detention and the purpose of detention. In support of her submissions, she places reliance on the judgment of the Supreme Court in *Sushanta Kumar Banik v. State of Tripura & Ors.*, 2022 SCC OnLine SC 1333.

8. She lastly submits that though in paragraph 1.4(a) of the Grounds of Detention, reference has been made to the F.I.R.(s) registered against other family members of the petitioner, the relevance of the same to the Impugned Detention Order has not been disclosed. The petitioner is not an accused in those F.I.R.(s). She further submits that, in any event, copies of the said F.I.R.(s) were not supplied to the petitioner as relied-upon documents. This, in her submission, prejudiced the petitioner in making an effective representation and was violative of his Fundamental Rights as protected under Article 22(5) of the Constitution of India.

9. She submits that although a copy of the order rejecting the bail application of the co-accused, Furkan Khan, was supplied to the petitioner in English, the same was not supplied in Urdu, which is the only language known to him, thereby denying him an effective



opportunity to make a representation against the Detention Order. She submits that this violates the Fundamental Rights of the petitioner under Article 22(5) of the Constitution of India. In support of her submissions, she places reliance on the judgment of the Supreme Court in *Jaseela Shaji v. The Union of India & Ors.*, 2024 INSC 683. 10. She further submits that the Impugned Detention Order makes reference to the seizure of 21,935 grams of heroin and other drugs across various cases allegedly involving the petitioner, however, it does not disclose how this quantity has been computed or arrived at. She submits that the said figure, at the very least, appears to be incorrect.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE RESPONDENTS:

11. On the other hand, the learned counsel for the respondents submits that the propensity of the petitioner to repeatedly commit offences under the NDPS Act immediately upon being released from custody, is self-evident from the grounds of detention. They submit that in F.I.R. No. 13/2013, the petitioner was convicted and sentenced to 12 years of rigorous imprisonment *vide* Order dated 05.04.2018 passed by the learned Special Judge. His sentence was suspended by this Court only on 20.03.2019. Immediately upon being released from custody, the petitioner was found to be involved in F.I.R. No. 223/2019, registered on 08.12.2019. In the said case, the petitioner was granted bail *vide* Order dated 01.12.2023. Again, immediately upon being released on bail, the petitioner was found to be involved in another case under the NDPS Act, that is, F.I.R. No. 43/2024



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they submit that the same were not relevant to the Detention Order and no prejudice was caused to the petitioner due to their non-supply. They submit that the bail of Furkan Khan had, in fact, been rejected by the learned Special Judge and, therefore, the said order was not relevant for the petitioner for the purpose of making his representation.

15. As far as the delay in passing the Impugned Detention Order and its execution is concerned, they submit that the charge-sheet in F.I.R. No. 43/2024 was filed on 22.08.2024. As there was a likelihood of the petitioner being released on bail and considering the magnitude of the petitioner's involvement in well-organized crime, the proposal to initiate proceedings under Section 3(1) of the PITNDPS Act was sent by the Sponsoring Authority on 10.09.2024. The same was, however, returned due to certain administrative lacunae. The proposal was re-sent on 23.10.2024, and after considering the same, the Impugned Detention Order was passed on 20.03.2025. On the very next day, that is, 21.03.2025, the Superintendent, Mandoli Jail was informed, and a copy of the Detention Order was sent to make necessary arrangements for shifting the petitioner to Central Jail, Puzhal. A copy of the Detention Order was also sent to the Superintendent, Central Jail, Puzhal, through the Home Department, Chennai, Tamil Nadu, on 28.03.2025. On 05.04.2025, an e-mail was also sent to the Superintendent, Mandoli Jail and the Director General (Prisons), Delhi Prisons, Tihar Jail, New Delhi, requesting them to make the necessary arrangements for shifting the petitioner to Central Jail, Puzhal. The petitioner was transferred to Central Jail, Puzhal, on



from acting in a prejudicial manner. Where the person concerned is already in custody at the time when the detention order is passed, the Competent Authority must, on the basis of cogent and tangible material, and not on mere apprehension, arrive at a conclusion that such person is likely to be released on bail and that, upon such release, he would continue to indulge in prejudicial activities.

19. In this regard, we may place reliance on the judgment of the Supreme Court in ***Roshini Devi*** (supra), wherein the Supreme Court has held as under:

*“8. The order of detention merely refers to three crimes registered against the detenu on 16.09.2024, 12.12.2024 and 17.12.2024. It may be noted that pursuant to Crime No.270/2024 dated 12.12.2024, the detenu had been arrested and was in judicial custody when Crime No.42/2024 dated 17.12.2024 came to be registered. On the premise that if the detenu was released on bail she was likely to indulge in serious offences, the detaining authority proceeded to record that it was satisfied that cases registered against her under the ordinary law had no deterrent effect in preventing her prejudicial activities. Whether the conditions imposed while enlarging the detenu on bail in the earlier offences were insufficient to prevent her from indulging in similar offences has not been adverted to. It would be profitable to refer to the reason for detention as recorded by the Detaining Authority in the detention order. The relevant portion thereof reads as under:
... From the aforesaid observations, it is clear that the Detaining Authority intended to detain the mother of the appellant at any cost. Her conduct during the period from 2016 to 2023 has been kept in mind. If the Detaining Authority was of the view that the detenu had violated any conditions of bail, steps for*



cancellation of her liberty could have been taken. That has not been done here.

9. *In this regard, we may refer to the decision of this Court in **Ameena Begum Vs. the State of Telangana and Others**, wherein the effect of extraneous factors weighing in the mind of the Detaining Authority while passing an order of detention has been considered. Incidentally, the order of detention therein was also passed under the Act of 1986. It has been observed in paragraphs 49 to 52 as under: -
... Thus, mere apprehension on the part of the detaining authority that in the event of the detenu being released on bail, she was likely to indulge in similar crimes that would be prejudicial to maintenance of public order would not be a sufficient ground to order her preventive detention.”*

20. In the present case, the above material and the requisite satisfaction of the Competent Authority are lacking and are not reflected in the Impugned Detention Order. On this ground alone, the Impugned Detention Order is liable to be set aside.

21. In addition to the above, in paragraph 1.4(a) of the Impugned Detention Order, reference has been made to the F.I.R.(s) against the other family members of the petitioner, however, their relevance to the detention of the petitioner has not been explained. It is only in the oral submissions of the learned counsel for the respondents, that such relevance has been sought to be explained by stating that the petitioner, along with his family members, is working as part of a syndicate. Having not been expressly stated in the Impugned Detention Order, including what specific inference the Competent Authority seeks to draw against the petitioner from the reference to



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these FIRs, in our view, this constitutes extraneous material relied upon by the Competent Authority and in any case, prejudiced the petitioner from making an effective representation against the Detention Order, thereby violating his Fundamental Right under Article 22(5) of the Constitution of India. In this regard, reference may be made to the judgment of the Supreme Court in *Ameena Begum v. State of Telangana & Ors.*, (2023) 9 SCC 587, wherein the Supreme Court emphasized that the detaining authority must ensure that the detention order does not reflect consideration of extraneous factors. The grounds of detention must clearly demonstrate the relevance of the factors relied upon, however, such relevance is missing in the Impugned Detention Order.

22. It is also an admitted fact that the petitioner was not supplied with a copy of the order rejecting the bail application of the co-accused, Furkan Khan, in F.I.R. No. 43/2024. The same was a relied-upon document and was supplied to the petitioner only in English, which the petitioner claims is not a language known to him. It is in acknowledgment of this fact that the respondents supplied the relied-upon documents to the petitioner in Urdu as well. However, no explanation has been provided for the failure to supply a copy of the bail order in Urdu to the petitioner. The petitioner has, therefore, been prevented from making an effective representation against the detention order, which amounts to a violation of Article 22(5) of the Constitution of India, as explained by the Supreme Court in *Jaseela Shaji* (supra).



23. The submission of the learned counsel for the respondents that the said order was not relevant to the petitioner's representation, does not appeal to us. The petitioner, with a copy of the said order, could have demonstrated that there was no likelihood of his being released on bail especially when his co-accused had already been denied the same. Even otherwise, once a document is relied upon, a copy thereof in the language known to the detenu, must be supplied to the detenu.

24. There is also a delay, not only in passing the Impugned Detention Order, but also in executing the same upon the petitioner. While the Charge-Sheet in F.I.R. No. 43/2024 was filed on 22.08.2024, which is stated to have given rise to the apprehension that the petitioner may be released on bail, the proposal for issuance of the Impugned Detention Order was initiated by the Sponsoring Authority only on 10.09.2024, and the Detention Order came to be passed only on 20.03.2025, that is, after a delay of almost seven months. Even thereafter, the Detention Order was not executed upon the petitioner until 21.04.2025. The explanation given is that steps were being taken to transfer the petitioner from Mandoli Jail, Delhi, to Central Jail, Puzhal, Chennai. In our view, this cannot justify the delay in executing the Detention Order upon the petitioner.

25. In *Sushanta Kumar Banik* (supra), the Supreme Court had held that if there is an unreasonable delay between the date of the detention order and the actual arrest or detention of the detenu, the same must be satisfactorily explained, failing which it would cast considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order.



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26. The learned counsel for the petitioner has also urged that, in paragraph 1.4(b) of the grounds of detention, it is alleged that a total of 21,935 grams of heroin and other drugs had been seized across “these various cases involving Validad Khan”, however, it has not been explained how this quantity was arrived at. The learned counsel for the respondents made a sincere effort to explain the said quantity by submitting that the same is attributable not only to the recoveries made from the petitioner but also to those made from his co-accused. Apart from the fact that the same does not add up, we are of the opinion that the grounds of detention must be specific and not left to the conjecture of the detenu, especially keeping in view the harsh nature and effect of a detention order. It cannot be left to the detenu to speculate as to how the quantity was arrived at by the Sponsoring Authority and relied upon by the Competent Authority to order his detention.

27. For the reasons stated hereinabove, the Impugned Detention Order dated 20.03.2025, bearing File No. U-11011/01/2025-PITNDPS, cannot be sustained and is, accordingly, set aside. The petitioner shall no longer be kept in detention pursuant to the Impugned Detention Order.

28. The Writ Petition is allowed.

29. It is made clear that the observations made herein are confined to the adjudication of the present petition and shall not be construed as an expression of opinion on the merits of any cases pending trial against the petitioner.

