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

CNR No. DLHC010976802025

+ **BAIL APPLN. 4708/2025**

AJAY KUMAR

.....Petitioner

Through: Mr. Rohan Gupta, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with SI Sunil Chandra, PS Special Cell and SI Vishal Malik, PS Rohini District.

CNR No. DLHC011005202025

+ **BAIL APPLN. 4833/2025**

MD FAIZAN BEG

.....Petitioner

Through: Mr. Shayam Babu and Mr. Avinash Singh, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with SI Sunil Chandra, PS Special Cell and SI Vishal Malik, PS Rohini District.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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19.08.2026

BAIL APPLN. 4708/2025 & CRL.M.A. 16551/2026 (for early hearing)

1. The accused/applicants seek regular bail in cases FIR No. 136/2024 and FIR No. 258/2023 respectively of PS Special Cell for offence under Section 22/29 of NDPS Act.



2. These cases, pending across different benches since December, 2025 have been received by way of transfer for hearing today.
3. These are yet another instances of how the Delhi Police seems to be treating the issue of liberty of individuals. Despite repeated directions, the Investigating Officers do not brief the prosecutor in time, due to which the prosecutor expresses helplessness. Today also, learned APP expresses anguish that despite these being old pending applications, the IO did not meet him to brief till these matters were called.
4. Further, the examination of record would reflect judgment dated 03.04.2025 of this Court whereby co-accused Ashwani Kumar was granted bail after bringing on record in paragraph 7 of that judgment detailed circumstances which reflect fabrication of case diary, though keeping it open for the trial court to take an independent view. Those circumstances would be relevant for the present purposes also. But learned APP expresses inability to address as he has not been briefed by the IO.
5. One option for this Court is to forthwith grant bail to both accused persons because prosecution is unable to oppose these bails. The other option is to adjourn these matters again and add to the period of its pendency. Even if these matters are adjourned, there appears to be no reason to hope that on the next date the IO shall brief the prosecutor in time. That being so, I am left with no alternative but to direct the concerned DCP to personally appear on the next date after briefing the learned prosecutor about stand of the investigating agency as regards these bail applications. If on the next date, the concerned DCP does not appear or does not brief the prosecutor beforehand, it shall be assumed that the State wants both accused persons to be released on bail forthwith.



6. Relist on 24.09.2026 in Advance List.
7. Copy of this order be sent to the Commissioner of Police for ensuring compliance.

GIRISH KATHPALIA, J

AUGUST 19, 2026/dr