



2026:DHC:4208



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

% *Date of Decision: 13.05.2026*

+ **BAIL APPLN. 1258/2026 & CRL.M.A. 9891/2026**

RIFAT ALI @ DANISHPetitioner

Through: Mr. Karan Verma, Advocate.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Yudhvir Singh Chauhan, APP for
State with Sub Inspectors Sohan
Thakur and Tej Singh.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 667/2023 of Police Station Bhalswa Dairy for offence under Section 21/25/29 NDPS Act.

2. Despite repeated directions across various judicial orders, approach of the Delhi Police towards bail issues has not changed. In this matter also, there is no clarity as to who is the investigating officer or to whom the trial was assigned. Two Sub Inspectors namely Sohan Thakur and Tej Singh have appeared, but both of them submit that they are not the Sub Inspector



2026:DHC:4208



to whom this case was assigned after retirement of the IO/SI Narender. Neither of them is aware as to who has been assigned this case. Consequently, the learned APP also has not been briefed at all.

3. Further, according to learned counsel for accused/applicant, only five witnesses have been examined in trial so far, with the fifth one only partly examined before the trial court. But according to learned APP, six witnesses have been examined by the trial court, as instructed to him by SI Sohan Thakur present in courtroom. Learned counsel for accused/applicant has placed before me copies of ordersheets of the trial court according to which only four witnesses have been completely examined and fifth witness has only been chief examined and his cross examination is now listed on 15.05.2026. The delay in trial is the major plank on which the accused/applicant seeks grant of bail in this case.

4. This is certainly not the manner in which the State should deal with the liberty of an individual. Role of the police is not just to arrest a person and dump them in jail, without bothering to pursue the prosecution.

5. So far as the present case is concerned, the allegation against the accused/applicant is that from the boot of his car, 300 grams heroin was recovered on 18.07.2023 in Barielly, U.P.

6. Since 18.07.2023, the accused/applicant is in jail. Looking into the



2026:DHC:4208



conduct of prosecution side as described above, it does not appear that the trial would be concluded within reasonable time. It is trite that right to speedy trial flowing from Article 21 of the Constitution of India is potent enough to make inroads into the rigours of Section 37 of NDPS Act.

7. Therefore, the bail application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the trial court.

8. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

9. **Copy of this order be also sent to the Commissioner of Police for information and necessary action with the ever fainting hope that they would start taking issues of liberty in a serious manner.**

10. Accompanying application stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

MAY 13, 2026/ry