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

+ BAIL APPLN. 1427/2026 & CRL.M.A. 11316/2026

SALMAN KHAN

.....Applicant

Through: Mr. Nishant Nain, Mr. Akash Mishra, Ms. Charu Sharma and Mr. Chanderjeet Yadav, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State
SI- Gunjan Singh, PS: ER-II/ Crime Branch

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

11.05.2026

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1. By virtue of the present application under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*BNSS*), the applicant seeks anticipatory bail in proceedings arising out of FIR No.19/2026 dated 29.01.2026 registered at PS.: Crime Branch, East Delhi under *Sections 22/25/29* of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*NDPS*).

2. *Succinctly put*, as per prosecution, pursuant to a secret information received on 28.01.2026, a raiding team apprehended co-accused persons from around Wazirabad, Bhopura Road, Delhi whilst they were travelling in a vehicle. After compliance under *Section 50* of the NDPS, during search, approximately 32 kgs. of 'Alprazolam' tablets along with packing material and other incriminating materials were allegedly recovered

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therefrom and later on, approximately 850 gms. of ‘Alprazolam’ tablets were also recovered on 31.01.2026.

3. During investigation, based on the disclosure statement of the co-accused persons, it was revealed that the applicant herein was a key conspirator and supplier of the ‘Alprazolam’ raw material/ salt used in manufacturing the recovered psychotropic substance and his role was central to the alleged supply chain. Subsequently, upon further investigation, it was evinced that the applicant had monetary transactions and telephonic connectivity with co-accused persons.

4. In view thereof, although attempts were made to contact the applicant, however, as he was found absconding from the address available with the prosecution, a Notice under *Section 67* of the NDPS was affixed thereon. More so, since the applicant had not joined investigation, Non-Bailable Warrant (**NBW**) was issued and proclamation proceedings under *Section 84* of the BNSS were also initiated.

5. Subsequently, although the applicant had made an application seeking anticipatory bail before the learned Trial Court, however, the same was dismissed *vide* order dated 09.04.2026. Hence, the applicant has moved the present application being aggrieved by the aforesaid dismissal.

6. Mr. Nishant Nain, learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been arrayed as an accused solely on the basis of the disclosure statements of the co-accused persons and the applicant was neither present at the spot nor connected with the alleged contraband in any manner and there is no independent material to show his involvement in the alleged offence.

7. Mr. Nishant Nain, learned counsel also submits that in fact, no



recovery of any contraband has been affected from the applicant and there exists no live link between the applicant and the alleged recovery so as to attract the rigours of *Section 37* of the NDPS Act. More so, although there are/ were payments made to the co-accused person, however, the same was done on account of repaying a friendly loan *qua* the money taken from Mr. Vishal Gupta, who is the neighbour of the applicant as also the brother-in-law of the co-accused person.

8. Mr. Nishant Nain, learned counsel lastly submits that the applicant has no prior criminal antecedents as also he has joined the investigation in compliance of the order of this Court and as the applicant undertakes to join and cooperate with the investigation as and when directed, his custodial interrogation is not necessary.

9. Ms. Meenakshi Dahiya, learned APP for the State has handed over a copy of the Status Report, which is taken on record. Based thereon, she whilst opposing the present application, submits that the allegations against the applicant are grave and serious in nature especially considering his role. She submits that based on the disclosure statement as also CDRs and monetary transactions, he is the primary supplier of the raw material of the contraband. All of these, as per her, clearly disclose his involvement in the drug trafficking network. More so, although the applicant has joined the investigation, however, he is not effectively participating therein and giving evasive answers/ replies, due to which, the investigation is not proceeding further.

10. Ms. Meenakshi Dahiya, learned APP also submits that as the present case involves recovery of commercial quantity of psychotropic substance, therefore, the rigours of *Section 37* of the NDPS Act are



squarely applicable. Ms. Meenakshi Dahiya, learned APP, therefore, submits that there is every likelihood that if the applicant is granted anticipatory bail, he may tamper with evidence, influence the witnesses and/ or re-join the drug network.

11. Heard and perused the documents on record.

12. A perusal of the record reveals that the present is a case wherein the applicant has been designated the role of being the primary supplier of the raw material of the contraband, based on the disclosure statement of a co-accused, and where there has been no recovery. Though his arrest, as per the disclosure statement of a co-accused person, in light of *Tofan Singh vs. State of Tamil Nadu*; (2021) 4 SCC 1 passed by the Hon'ble Supreme Court, cannot *ipso facto* be the sole basis to indict an accused, however, the same may, at best, only be taken into consideration to fortify and/ or support other independent and legally admissible evidence on record.

13. In fact, the Hon'ble, Supreme Court in *Balwinder Singh (Binda) vs. Narcotic Control Bureau*; (2024) 13 SCC 734 has held that whence there has to be a recovery/ possession from the accused who has been implicated based upon the disclosure statement of a co-accused person then there can be a sufficient reason to establish a link thereof. In essence, there has to be something substantive/ more than concrete in addition to mere disclosure statement of a co-accused person showing nexus of the said accused with the activities of illicit trafficking of psychotropic substances.

14. In the case at hand, neither of the above are applicable, as there is no such material on record to implicate the applicant herein.

15. Though the investigation herein also reveals that there were/ are



monetary transaction between the co-accused person and the applicant as also there are CDRs showing his telephonic connectivity with the co-accused persons, however, neither of them, *per se*, indicate anything concrete enough for this Court to come to a conclusion that the applicant was having any (direct) link in the activates of illicit trafficking of psychotropic substances and/ or with the other co-accused persons as mere contact with them is not sufficient to conclude his involvement. Mere having some monetary transaction and/ or having CDR connectivity with the co-accused persons with no (substantive) corroboration in the present case, thus, pale into insignificance. At the end of the day, there is no direct nexus established as yet. They gain much significance as there is no recovery of any psychotropic substances from his end, and that too despite the disclosure statement made by a co-accused person.

16. Therefore, it is difficult for this Court to conclude that the applicant is directly involved with the total quantity seized and put him to the rigours/ bar as contemplated under of *Section 37* of the NDPS Act.

17. Lastly, records reveal that the applicant has clean antecedents as he is a first time offender. Moreover, as per the Status Report itself, he has joined and participated in the investigation, though given responses as not expected by the IO. The same is also not of much significance under the factual matrix involved.

18. In light of the observations made herein above, the applicant is granted anticipatory bail in FIR No.19/2026 dated 29.01.2026 registered at PS.: Crime Branch, East Delhi under *Sections 22/25/29* of the NDPS Act. As such, in case of his arrest, the applicant shall be released, subject to him 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 him/ her and further subject to the satisfaction of the Arresting Officer/ S.H.O. as also subject to the following conditions:-

- A. Applicant shall ordinarily reside at the address as mentioned in the Memo of Parties of the present application and shall not leave the same without prior permission of the concerned Court.
- B. Applicant shall surrender his Passport, if any, to the IO.
- C. Applicant shall join and participate in the investigation as and when called by the IO.
- D. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.
- E. Applicant shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.

19. Accordingly, the present application, along with the pending application, is allowed and disposed of in the aforesaid terms.

20. Copy of this order be sent to the concerned Arresting Officer/ S.H.O. for information and compliance thereof.

21. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J

MAY 11, 2026/Ab