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

CNR No. DLHC010280972026

+ **BAIL APPLN. 2488/2026**

SUNIL KUMAR BHARDWAJ @ NEETU Applicant

Through: Mr. Swagat Nanda, Mr. S.K. Nanda, Mr. M. Mishra, Mr. Shivam Sharma, Mr. Shivam Pandey and Ms. Palak, Advs.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Raghuinder Verma, APP
SI-Krishna Kumar and ASI-
Rajender

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **20.08.2026**

1. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.64/2025 dated 09.03.2025 registered at PS.: Crime Branch under *Sections 22/25/29* Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**).

2. As per prosecution, pursuant to receiving a secret information *qua* smuggling of narcotics, a raiding team was formed and co-accused, Mr. Vikas was apprehended while carrying a jute bag on his motorcycle. Upon search whereof, 28 boxes of capsules (Dicyclomine HCl, Tramadol HCl,



and Acetaminophen) totalling to 6720 capsules (336 grams) were recovered therefrom. Since there was no bill or prescription of the same, and no satisfactory explanation of having the contraband was provided by him, he was arrested after compliance with the mandatory provisions of law.

3. During investigation, the co-accused person in his disclosure statement revealed the involvement of the applicant as he is/ was the co-owner of the said medical store co-owned by co-accused, Mr. Sudir from whom 505 tablets of Alprazolam (0.5 mgs.), and 664 Tramadol capsules (50 mgs.) were recovered, which are of the same batch as the contraband of the co-accused person, Mr. Vikas. This led to the arrest of applicant on 05.04.2025.

4. During further investigation, a CCTV camera installed at the residence of the applicant revealed that on 08.03.2025 at around 03:00 PM the co-accused, Mr. Vikas was collecting a jute bag containing the contraband from the house of the applicant. In addition, the Call Detail Records (**CDRs**) of the applicant with co-accused persons establishes their communication thereby corroborating complicity in the illicit supply chain.

5. In this factual backdrop, heard learned counsel for the applicant and learned APP as also perused the materials on record.

6. The charge-sheet has since been filed and the matter is currently at the stage of framing of charges before the learned Trial Court.

7. As borne out, **(i)** the applicant is a co-owner of the medical shop *alleged* wherefrom the narcotics were supplied; **(ii)** there is a presence of CDRs *inter-se* the applicant and the co-accused persons which, as per the



prosecution, establishes complicity; and **(iii)** the CCTV footage evincing the co-accused, Mr. Vikas was *allegedly* seen collecting a jute bag right outside the house of the applicant that too one day prior to his arrest.

8. Based thereon, it is sought to be argued that the applicant is a supplier of narcotic substances as also to be a part of a bigger network of the supply chain with all the co-accused persons are/ were involved.

9. However, it is not in dispute that no recovery of any contraband was effected from the applicant at any point of time, and that the allegations are based on disclosure statements. Taking note of the overall facts and circumstances involved herein, and as held in ***Tofan Singh v. State of Tamil Nadu: (2021) 4 SCC 1***, that disclosure statement recorded under Section 67 of the NDPS Act, without any corroboration/ recovery, cannot *ipso facto* form the foundational basis for establishing guilt of an accused.

10. Moreover, the CCTV footage dated 08.03.2025 purportedly showing the co-accused, Mr. Vikas collecting a jute bag from outside applicant's residence, is not itself sufficient to show the applicant's involvement/ complicity in the alleged offence, more so, whence neither was the applicant there himself in the said CCTV footage nor is there any clear connection/ relationship of the said jute bag and/ or its contents established with the applicant.

11. The applicant is not named in the present FIR, and has no prior antecedents as also his conduct whilst in Judicial Custody has been "*Satisfactory*" as per the Nominal Roll. As of now, even the investigation *qua* the applicant stands completed. Since the applicant had duly surrendered *twice* whence he was granted interim bail by the learned Trial Court, he is not likely to abscond if enlarged on bail, and is not at flight



risk.

12. *Ergo*, taking a wholistic view of the facts and circumstances involved as also the settled legal position, the applicant is enlarged on bail.

13. Accordingly, this Court directs the applicant to be released on regular bail in FIR No.64/2025 dated 09.03.2025 registered at PS.: Crime Branch under *Sections 22/25/29* of the NDPS Act on 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 family member/ friend having no criminal case pending against them, subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:-

- i. The applicant shall not leave the country without prior permission of this Court and shall ordinarily reside at the address provided in the Trial Court record and in case of any change in the residential/ permanent address/ contact details/ phone number, the applicant shall inform the same to the IO concerned.
- ii. Applicant shall surrender his Passport, if any, to the IO concerned within *three days* of his release and shall join and participate in the investigation as and when called by the IO.
- iii. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.
- iv. The applicant shall also appear before the Court as and when the matter is taken up for hearing.
- v. 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.

14. Accordingly, the present application is allowed with the aforesaid



terms.

15. A copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance thereof *forthwith*.

16. Needless to say, expression of view(s) on the merits, if any, are solely for the purposes of adjudication of the present application and shall have no bearing on the overall case/ trial involved.

SAURABH BANERJEE, J

AUGUST 20, 2026/Ab