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

+ **BAIL APPLN. 208/2025**

RAHUL PAL

.....Petitioner

Through: Mr. Amit Chadha, Senior Advocate
with Mr. Anubhav Tyagi,
Mr. Kuldeep Jauhari, Mr. Sanjog
Singh, Mr. Harjas Singh, Mr. Dhruv
Tomar and Mr. Kartik Shoukeen,
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with SI Sushil Rawat, PS – Kalkaji
and SI Himanshu, Special Staff, N/E
District.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

10.09.2025

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1. The applicant herein is before this Court seeking regular bail, having remained under incarceration since 10.04.2024 in a criminal case arising out of FIR No. 147/2024 dated 11.04.2024 for the alleged offences punishable under Sections 22 and 29 of NDPS Act, 1985 registered at Police Station Sonia Vihar.

2. Briefly speaking, per FIR, on 10.04.2024, a raiding party was formed and proceeded to the designated location as received on secret information. The team reached the site where the informer identified the specific location for the drug supply.



2.1 At around 5:51 PM, the white Baleno car arrived, and two men—Rahul Pal and Jagdeep—were identified as occupants. After some waiting, both men attempted to leave in the vehicle but were intercepted by the police. They were informed of their legal rights under Section 50 of the NDPS Act, including the right to be searched in the presence of a magistrate or a gazette officer, but they declined these options and also refused police searches of the police party and their vehicles.

2.2 A gazette officer, was called to the scene. He repeated the legal rights to the suspects, who again refused to allow searches of the police party and vehicles. Both Rahul and Jagdeep were personally searched without discovering any contraband.

2.3 The search of the white Baleno car revealed four open cardboard boxes containing Alprazolam tablets in significant quantities. Two boxes on the rear seat contained 100 yellow boxes each, with 600 tablets per box, totaling 1,20,000 tablets. Two similar boxes in the trunk also contained a total of 1,20,000 tablets, bringing the total seized tablets to 2,40,000. Each tablet weighed 0.12 grams, amounting to a total weight of approximately 28.8 kilograms of Alprazolam. The tablets were manufactured by certified companies as per labeling. Samples were marked and sealed following proper procedure.

2.4 The drugs are listed under Clause XXIII, Section 2 of the NDPS Act 1985, categorized as psychotropic substances. Rahul Pal and Jagdeep were charged under Sections 22 and 29 of the NDPS Act for illegal possession of the drug leading to FIR and the arrest of both the occupants of car.

3. In view of the aforesaid, I have heard the rival contentions and perused the case file.



4. Learned senior counsel for the applicant would argue on lines of grounds pleaded in the petition inter alia urging as below:-

4.1 Recovery of Alprazolam allegedly made in broad daylight without independent witnesses. Seizure memo was witnessed only by police officials. There is unexplained delay of 2.5 hours between receipt of secret information and recovery without efforts to secure witnesses. No videography or photography was conducted which casts doubt on the prosecution's version.

4.2 Improper service of notice under Section 50 NDPS Act; Investigating Officer failed to inform applicant of statutory rights. Searches not conducted before a magistrate or gazetted officer, making them illegal.

4.3 Call detail records (CDR) and WhatsApp chats do not link the applicant with co-accused or drug transactions. Key witnesses, including Nitin Sharma @ Nikku Punjabi, denied any association with the applicant regarding drugs.

4.4 No evidence of financial transactions connecting the applicant to sale or purchase of contraband. Trap money was handed over to co-accused only after the applicant's arrest.

4.5 The car from which contraband was recovered does not belong to the applicant but to the co-accused Jagdeep, who has already been granted bail. No material ties the applicant directly to the vehicle.

4.6 Delay of two months in sending seized samples for forensic analysis raises serious doubts about evidence integrity.

4.7 Chargesheet was filed without FSL report. The trial has not commenced despite applicant being in custody since April 2024.

4.8 Reliance is placed on several precedents (Bantu v. State Govt of NCT



of Delhi¹, Baldev Singh², Shafhi Mohd.³, Dheeraj Kumar Shukla⁴, Tofan Singh⁵) arguing that absence of independent witnesses, lack of videography, procedural lapses, and inadmissibility of confessional statements under Section 67 NDPS Act make it a case of acquittal.

5. Learned senior thus asserts false implication, clean antecedents, no prior criminal record, and readiness to comply with any conditions imposed by the court and seeks regular bail.

6. Learned APP on the other hand opposes the bail. She argues that applicant cant seek parity with the co-accused/co-traveler/owner of the car. In the case of owner (co-accused Jagdeep who has been granted bail), there were no incriminating CDR details as in the case of the petitioner herein. Apart there from quantity is huge and rigors of section 37 shall apply.

7. Having heard the rival submissions and examined the case record, I find that while some of the arguments advanced by learned senior counsel for the applicant carry merit, but those issues are ultimately matters for trial. At this stage, however, a case for grant of bail is made out for the reasons set out below.

8. It is not disputed that the co-traveler, who is also the owner of the vehicle from which 28.8 kg of Alprazolam tablets were recovered, has already been granted bail. Both the applicant and the owner were apprehended together in the same vehicle. It is not the prosecution's case that the vehicle was lent by the owner to the applicant so as to justify his exclusive implication. Consequently, the recovery must be treated as

¹ Bantu v. State Govt of NCT of Delhi, 2024: DHC: 5006.

² State of Punjab vs. Baldev Singh, (1999) 6 SCC 172.

³ Shafhi Mohd. v. State of H.P., (2018) 5 SCC 311.

⁴ Dheeraj Kumar Shukla v. State of U.P., 2023 SCC OnLine SC 918.

⁵ Tofan Singh v. State of T.N., (2021)4 SCC 1.



common to both. Furthermore, the prosecution has not alleged that the vehicle owner has been charged under lesser provisions than those invoked against the applicant. Therefore, the rigours of Section 37 of the NDPS Act, 1985, if at all, apply equally to both accused. There cannot be contradictory approach.

9. Moreover, the mere acquaintance of the applicant with the other co-accused alleged to be suppliers of the drug cannot by itself justify a presumption of culpability. The applicant was engaged in the business of prescription medicines, as were the alleged suppliers. Any social familiarity developed in the ordinary course of business cannot, without anything more on the record, be treated as incriminating.

10. Be that as it may, as already observed, all that is to be thrashed out at the appropriate stage by the Trial Court.

11. As for concern regarding tampering with evidence, there appears to be no such risk—most of the material is documentary in nature, and the contraband has already been seized and is beyond the applicant's reach. With respect to witness influence, most witnesses are officials of the Narcotics Control Bureau, and thus, there is little to no likelihood of them being influenced and he even has a clean record, without any criminal antecedents.

12. The prosecution has failed to establish any direct nexus between the applicant and the seized contraband apart from his presence in the vehicle. No recovery has been made from his personal possession. There is an unexplained delay of nearly two months in forwarding the seized samples to the Forensic Science Laboratory. The charge sheet was filed without the crucial FSL report, and despite prolonged custody of the applicant since



April 2024, the trial has not even commenced. In view of the co-accused being enlarged on bail and parity considerations, further detention of the applicant serves no useful purpose.

13. The applicant has no prior criminal record and enjoys clean antecedents. He has deep roots in society, being the sole breadwinner for his family, and there is no material to suggest that he is likely to abscond or tamper with evidence if released on bail.

14. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future.

15. As an upshot and taking a wholesome view of the matter, I am of the view that it is a case of bail at this stage.

16. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

17. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same. In case applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the applicant in the present case vide instant order.

18. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 10, 2025/kd