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

\+ BAIL APPLN. 387/2025 & CRL.M.A. 27585/2025, CRL.M.A. 29055/2025, CRL.M.A. 29056/2025, CRL.M.(BAIL) 1923/2025

DEEPAK .....Applicant

Through: Mr. Akshay Bhandari, Advocate.

versus

STATE GOVT NCT OF DELHI .....Respondent

Through: Mr. Akhand Pratap Singh, SPP with Mr. Hritwik Maurya, Advocate.
Insp. Rakesh Kumar, PS Special Cell.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% **03.11.2025**

1. The present application is filed seeking regular bail in FIR No. 16/2018 dated 12.02.2018, registered by Special Cell, for the offences under Sections 3/4 of the Maharashtra Control of Organised Crime Act, 1999 (‘**MCOCA**’).

2. The brief facts of the case are that on 23.07.2017, on the basis of a secret information, a raid was conducted and co-accused Rajesh Kumar @ Raje was apprehended and a recovery of 3 Kgs of heroin was made. The same led to the registration of FIR No. 51/2017 at Police Station Special Cell under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (‘**NDPS Act**’). During the course of the investigation, co-accused Rajesh Kumar @ Raje disclosed that he used to supply heroin to the applicant and co-accused Neeraj @ Sunil in Delhi. He further

disclosed about the involvement of the co-accused Babu.

3. It is alleged that the applicant is the kingpin of the syndicate. The applicant was arrested on 24.07.2017 and a recovery of 2 kg heroin was made. Thereafter, co-accused Neeraj @ Suni was also arrested on 24.07.2017 and a recovery of 100 grams of heroin was made. Co-accused Babu was apprehended from his rented accommodation on 24.10.2017 and 200g of Heroin was recovered at his instance. The association of co-accused Sajan, who is the brother of the applicant, was allegedly disclosed by the arrested accused persons.

4. It is the case of the prosecution that the criminal profile of the applicant indicates that he has indulged in committing various offences, particularly drug trafficking, in association with the other accused persons. It is alleged that the financial investigations carried out thus far reveal that the accused persons have accumulated huge wealth from the sale proceeds of narcotic drugs. During investigation, it was found that the applicant had purchased several properties, vehicles and other things by paying huge amounts in cash, however, he had no legitimate source of income.

5. It is argued on behalf of the applicant that no case under MCOCA is made out against the applicant. It is emphasised that the applicant has spent nearly six years in custody and some of the co-accused persons have already been enlarged in bail.

6. The prosecution has vehemently opposed the grant of any bail to the applicant. It is submitted that the applicant's role is graver than other accused persons and he had misused the liberty granted to him on earlier occasions which does not entitle him to

grant of any relief.

7. In the opinion of this Court, even though the petitioner has spent more than five years in custody, however, the sheer quantum and nature of antecedents of the applicant do not entitle him of any relief.

8. It is pointed out that on two occasions, while on interim bail, the applicant had violated the conditions and indulged in further offences which led to registration of– (a) FIR No. 286/2019, registered at police station Vivek Vihar, for the offences under Sections 332/353/224/225/34 of the Indian Penal Code, 1860 (**'IPC'**), and (b) FIR No. 385/2021, registered at Police Station Vivek Vihar, for the offences under Sections 341/506/34 of the IPC.

9. It is pertinent to note that the applicant had also jumped the bail granted to him for marriage of his daughter Mahima in the year 2021, pursuant to which, he was again arrested on 29.04.2022. The offence which led to registration of FIR No. 385/2021 was allegedly committed by the applicant during the intervening period when he was absconding.

10. The applicant, as the chargesheet indicates, has also been involved in 20 more cases. While the antecedents of an accused as well as the gravity of the alleged offence cannot be sole considerations for denial of bail, the antecedents of the applicant show that he is threat to the society.

11. Although it is asserted that the applicant is on bail in the other cases, however, the conduct of the applicant in jumping the bail as well as committing offences whilst on bail indicate that the moment applicant gets bail in one case, he commits another

offence. There is substantial doubt that if the applicant is released on bail, he may commit offence again and evade trial.

12. This Court, while considering the application for grant of bail, cannot be divorced from the fact that while individual liberty holds immense significance, the same ought to be weighed with the societal repercussions.

13. However, considering the period of incarceration, the learned Trial Court is requested to expedite the recording of evidence and conclude the trial.

14. The bail application stands dismissed. Pending applications also stand disposed of.

15. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

NOVEMBER 3, 2025
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