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

+ **BAIL APPLN. 475/2025**

**DEVENDER SINGH RAJPUROHIT**

.....Petitioner

Through: Mr. AK Singh, Ms. Aanchal Bindal,  
Advs.

versus

**NARCOTICS CONTROL BUREAU**

.....Respondent

Through: Mr. Arun Khatri, SSC, Mr. Devender  
Singh, Ms. Shelly Dixit, Mr. Tracy  
Sebastian, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

**26.05.2025**

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS has been filed seeking regular bail in case No. VIII/21/DZU/2022, under Sections 8(c)/22(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short, 'NDPS Act') registered with NCB/respondent.
3. The case of the NCB/respondent as per the status report dated 22.04.2025 is as under: -

"1. The factual background of the case is that on 28.02.2022, based on secret information, 1.107 KGs of METHAQUALONE were recovered from a parcel with tracking number 4573137424 at DHL Exp. Pvt. Ltd., located at 71/3, Rama Road, Near Kirti Nagar, New Delhi. The recovered contraband was duly seized in accordance with the provisions of the NDPS Act. The sample report from the Central Revenue Control Laboratory (CRCL), New Delhi, dated 25.07.2022, confirmed the presence of Ketamine Hydrochloride.



2. During the investigation, it was determined that the parcel with tracking number 4573137424 had been transported to DHL, New Delhi, via Mahipalpur, Bhilwara, and Ajmer, Rajasthan.

3. In the course of the inquiry, it was revealed that Sh. Rajkumar Agarwal, the booking clerk at DHL, Ajmer, stated in his testimony that the parcel had been received from one Sehdev Sarwan, and he provided copies of his chat communications with Sehdev Sarwan.

4. On 22.08.2022, the statement of Sehdev Sarwan was recorded, wherein he disclosed that the parcel had been received from Govinda Narayan and Devender Singh Rajpurohit, and he identified them with their addresses. On 23.08.2022, his statement was further recorded, and he confirmed recognizing the photographs of both accused, Govinda Narayan and Devender Singh Rajpurohit, who had handed over the parcel for booking.

5. Additionally, on 23.08.2022, the statement of Govinda Narayan was recorded, wherein he stated that he, along with Devender Singh Rajpurohit, had collected the parcel from Shankar Singh Rawat and subsequently handed it over to Sehdev Sarwan at DTDC for booking at DHL, Ajmer.

6. On the same day, 23.08.2022, the statement of Devender Singh Rajpurohit was recorded, wherein he corroborated Govinda Narayan's statement, confirming that he, along with Govinda Narayan, had collected the parcel from Shankar Singh Rawat and gave it to Sehdev Sarwan at DTDC for booking at DHL, Ajmer. Notably, Devender Singh Rajpurohit had written the sender and receiver details on the parcel of contraband in his own handwriting, which was seized along with the parcel. Furthermore, chats were discovered in the mobile phone recovered during the house search of Devender Singh Rajpurohit, indicating that he had sent another parcel to Yakir Dabas in Israel in 2021. The seized parcel containing contraband was also addressed to Yakir Dabas in Israel. Several images of packed parcels were found on the mobile phone of Devender Singh Rajpurohit, showing frequent shipments of parcels to Israel. Additionally, one chat, found on page 260 of the complaint, reflects a discussion by Devender Singh Rajpurohit regarding an update on the tracking number from Sehdev DTDC.

7. On 23.08.2022, the statement of Shankar Singh Rawat, the present applicant, was recorded. He admitted that he had handed over the parcel to Govinda Narayan and Devender Singh Rajpurohit for booking to Yakir Dabas in Israel through DHL. Further, the chats found on his mobile phone reveal that he had received payments via



cryptocurrency from Israel, had sent another parcel to Israel, and had transferred an amount of Eighteen Thousand Rupees to Govinda Narayan (see pages 100 to 127 of the Chargesheet).

8. Several chats were retrieved from the mobile phones of Govinda Narayan, Shankar Singh Rawat, and Devender Singh Rajpurohit, which detailed the arrangement of sending parcels to Israel. The parties involved used encrypted communication through the Signal app for shipping the Ketamine Hydrochloride. Mobile data extraction revealed numerous images on the phones of the accused Govinda Narayan and Shankar Singh Rawat, showing discussions regarding encrypted chats and encryption methods. Notably, Shankar Singh Rawat had activated auto-deletion settings on both WhatsApp and Signal apps.

9. During the investigation, Santosh Jain, daughter of Phool Chand Barjatya, stated that the mobile number 9028145206, which had been used for booking the parcel to Israel, was issued in her name; however, she had no knowledge of its usage and had never used this number either previously or currently. Despite her statement, the number was used by the accused for booking the parcel.

10. Various Aadhaar cards and other identification documents belonging to different individuals were found on the mobile phones of Devender Singh Rajpurohit and Govinda Narayan, although the photos in Govinda Narayan's phone were blurry.

11. The IMEI number of the mobile number 8824967019, as indicated by the Call Data Record (CDR), corresponds with the IMEI number of the Oppo F-17 mobile phone recovered from Govinda Narayan's house search, establishing that Govinda Narayan used this mobile. Govinda Narayan (Mobile No. 8824967019) maintained regular contact with Devender Singh Rajpurohit (Mobile No. 7737124567) both before and after the parcel of Ketamine Hydrochloride was dispatched. Govinda Narayan (Mobile No. 8824967019) also obtained tracking details regarding the contraband from Sehdev Sarwan (Mobile No. 6378554192). Furthermore, the IMEI numbers from the house search of Devender Singh Rajpurohit's Vivo 1727 phone and the CDR of Mobile No. 7737124567 match. Mobile numbers 8107041424 and 8955091007 were used by Shankar Singh Rawat, who had changed his mobile handset in April 2022. Additionally, Shankar Singh Rawat, using mobile number 8107041424, was in contact with Govinda Narayan (Mobile No. 6350691723). Prior to booking the contraband to Israel, Govinda Narayan was in frequent communication with Devender Singh



Rajpurohit via mobile number 7737124567. The conspiracy was aimed at the illegal export of contraband without any requisite licenses, permissions, or authorizations, and the recovered contraband constitutes a commercial quantity. It is not necessary for all accused persons to be acquainted or connected, as long as their actions align with the objective of the criminal activity, which is the unlawful exportation of Ketamine Hydrochloride, a scheduled psychotropic substance under the NDPS Act.

12. The present application is misconceived in law on the premise that there is recovery of commercial quantity of contraband and as such the provisions of section 37 of the NDPS Act are attracted in the present case, which commence with non obstante clause and twin conditions of the said section are to be fulfilled for consideration of bail application and as such the present bail application is liable to be dismissed.”

Further the role of the applicant as highlighted in the status report filed by NCB is as under: -

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| <b>“8 .</b> | <b>Role of the present accused: -</b> | It is alleged that the parcel containing 1.107 kg of Methaqualone was booked by the accused/applicant along with co-accused Govind Narayan on 29.10.2020, and this was confirmed by the booking agent, Sehdev Sarvan. It is further alleged that the parcel was intended for delivery to Yakib Dabas. Investigations have revealed that, from the phone of the accused Devendra Singh Rajpurohit, details of previous shipments, including a parcel sent to Yakib Dabas in 2021, were recovered. Additionally, photographs of the packed parcels and chats regarding the tracking ID between the accused and the booking agent were found on the phone. The accused, Govind Narayan, is alleged to have made inquiries about the tracking number using the phone number 8824967019, while an amount of Rs. 18,000 was allegedly paid by co-accused Shankar Singh Rawat to the accused for booking the parcel. |
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4. Learned counsel for the applicant submits that the latter has been falsely implicated in the present case solely on the basis of the statement of one Sehdev Sarwan recorded under Section 67 of the NDPS Act whereby it was disclosed that he had received the said parcel from the present applicant and Govinda Narayan. It is further submitted that thereafter, on 23.08.2022, statement of the present applicant was recorded wherein he stated that he along with said Govinda had collected the parcel from Shankar Singh Rawat, who was granted bail by this Court *vide* order dated 22.05.2024 in BAIL APPLN. 80/2024 by observing as under: -

“6. Admittedly, there is no recovery of contraband from the present applicant. The recovery in the present case was effected on 28.02.2022. The chain leading to the present applicant is through the statement of the aforesaid co-accused persons, under Section 67 of the NDPS Act. So far as the alleged incriminating material in form of the said chats, relied upon by the prosecution is concerned, it is pertinent to note that the same are not prior to the date of recovery or of the said date. It is a matter of record that the said chats do not connect the applicant with the recovered contraband. The probative value of the said chats shall be decided during the course of the trial. For the purpose of considering the bail application, the same cannot be sufficient material to establish a link between the applicant and the recovery of the contraband in the present case. The other material extracted from the mobile of the present applicant also *prima facie* does not reflect any connection with the contraband recovered in the present case. It was noted that the transfer of money as alleged by the prosecution is also not of the time when the contraband was recovered in the present case either before or at the date of recovery of the contraband.”

5. It is pointed out that no recovery has been affected from the possession of the present applicant. It is further submitted that the seizure in the present



case was done on 28.02.2022 and the present applicant was arrested on 29.08.2022. It is submitted that the chats relied upon by the prosecution are not related to the recovery in question in the present case. Learned counsel for the applicant submits that the applicant has been in judicial custody since 29.08.2022 and has undergone incarceration of more than 2 years 7 months and charges in the present case have been framed *vide* order dated 21.02.2025 and prosecution has cited 18 witnesses and no one has been examined so far.

6. *Per contra*, learned SPP for the NCB submits that the present applicant along with Devender had booked the said parcel in which the alleged contraband in the present case was apprehended and immediately after the seizure, the present applicant alongwith other co-accused persons had destroyed their mobile phones and after their arrest, the data recovered from the mobile phones of the present applicant as well as from the other co-accused persons shows several chats regarding sending of parcels to Israel. It is submitted that during the extraction of mobile data, several images have been found on the mobile phone of the accused as well as the other co-accused persons showing that they were frequently sending messages to one-another about encrypted chats. It is also submitted that there were chats about the parcel between the co-accused persons. It is further submitted that during investigation, from the phone of the present applicant details of previous shipments, including a parcel sent to Yakib Dabas in 2021, were recovered. Additionally, photographs of the packed parcels and chats regarding the tracking ID between the applicant and the booking agent were also found on his phone. It is further submitted that the CDRs of the present applicant with other co-accused persons shows that they were in constant touch with each other.



7. Heard the learned counsel for the parties and perused the record.
8. The recovery of the contraband in this case was done on 28.02.2022. The present applicant was arrested on 29.08.2022. The prosecution complaint was filed on 26.09.2023. The charges were framed by the learned Special Court on 21.02.2025 and since then it is pointed out that not a single witness has been examined so far. Nominal roll dated 05.04.2025 reflects that the applicant has been in judicial custody for a period of approximately 2 years 7 months and 7 days.
9. The Hon'ble Supreme Court in **Rabi Prakash v. State of Odisha, 2023 SCC Online SC 1109**, has observed and held as under: -

“2.The prosecution case appears to be that the police party while on patrolling duty on 02.10.2019 at about 12.30 p.m. on Nandapur-Semiliguda road MDR-55, spotted one full body twelve wheeler Truck (Eicher) bearing No.EB-13-BD-5753 coming from Nandapur side at a high speed and accordingly they chased and detained the truck at BodengaChhak and found three persons boarded in the said truck including the driver. Eventually, 247 kg. Ganja was recovered from the truck. The petitioner was one of the occupants of the truck and was arrested at the spot. He has been in custody for more than three and a half years. There are no criminal antecedents against the petitioner.

3. We are informed that the trial has commenced but only 1 out of the 19 witnesses has been examined. The conclusion of trial will, thus, take some more time.

4. As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent - State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re: formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three and a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.”



10. The Hon'ble Supreme Court in **Man Mandal and Anr. v. State of West Bengal, 2023 SCC Online SC 1868**, has observed and held as under: -

“2. Learned counsel for the petitioners submitted that the petitioners have been incarcerated for a period of almost two years and the trial is not likely to be taken up for hearing in the immediate near future.

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5. Learned counsel appearing for the State submitted that in view of the statutory restrictions under Section 37 of the NDPS Act and the quantity being commercial in nature, the present special leave needs to be dismissed.

6. Taking into consideration the fact that the petitioners have been incarcerated for a period of almost two years and the trial is not likely to be taken up for hearing in the immediate near future, we are inclined to grant bail to the petitioners.”

11. In the present case as well, the prosecution has cited 18 witnesses in the chargesheet, out of which no one has been examined so far and trial is likely to take time to conclude. As per the nominal roll dated 05.04.2025, the applicant has been in judicial custody for approximately 2 years and 7 months and 7 days.

12. Considering the delay in trial and long incarceration of approximately 2 years 7 months and 7 days, the embargo under Section 37 of the NDPS Act, in view of the aforesaid judgments passed by the Hon'ble Supreme Court, will not be applicable in the facts and circumstances of the present case.

13. In view thereof, the present application is allowed and the applicant is directed to be released on bail, on his furnishing a personal bond of Rs.50,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.



- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
14. The application is allowed and disposed of accordingly.
15. Pending applications, if any, also stand disposed of.
16. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
17. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
18. Order be uploaded on the website of this Court *forthwith*.

**AMIT SHARMA, J**

**MAY 26, 2025/sn**

[Click here to check corrigendum, if any](#)