



2025:DHC:5861



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: 08th July 2025**Pronounced on: 22nd July 2025**

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BAIL APPLN. 590/2024**ANKIT GOYAL**

.....Petitioner

Through: Mr. Swarandeep Singh, Advocate

Versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Ms. Shelly Dixit and Ms. Tracy
Sebastian, Advs.**CORAM:****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT****RAVINDER DUDEJA, J.**

1. The present first petition under Section 438 of the Code of Criminal Procedure, 1973 is filed on behalf of the petitioner for grant of anticipatory bail in Crime No. VIII/21/DZU/2023 under Sections 8C, 22C, 23C, and 29 of the NDPS Act, registered at Police Station NCB, R.K. Puram, New Delhi.

2. Facts as per the status report submitted by the NCB are that, on 08.05.2023, the NCB seized 14,700 Alprazolam tablets and 10,030 Tramadol tablets from a courier parcel in Mahipalpur, Delhi.



Investigation revealed the parcel was booked under the name Niraj Kumar Pathak and traced to SSB Enterprise in Gwalior. Statements of various persons were recorded, including booking clerk of SS enterprise Mr. Pushpendra, bus driver named Mahesh, Rashid @ Munna Kulli and Pankaj Sahu, which revealed the role of the present applicant Ankit Goyal. On 14.05.2023, Pankaj Sahu in his statement under section 67 NDPS Act disclosed that at the instructions of applicant, he used to receive the parcel from Jhansi bus stand and hand over the same to the applicant, and the applicant coordinated the consignments, shared Aadhaar details, and made payments for booking parcels. The applicant's mobile number was linked to chats with the courier agent, and CDR/IP logs confirmed his location with co-accused. He was granted interim protection by the trial court, but he did not cooperate with the ongoing investigation.

3. The applicant later appeared and admitted using mobile numbers and bank accounts tied to the offence. He claimed his phone was lost but filed a report only after a co-accused was arrested. NCB's analysis of chats, transactions, and device records established the applicant's involvement in earlier consignments as well. The Trial Court dismissed his anticipatory bail applications, noting his non-cooperation and risk of tampering with evidence. The investigation is ongoing to identify the larger network and the source of the contraband.



Role of the applicant according to the NCB

4. The applicant is alleged to be the key conspirator in the illegal trafficking of controlled substances, specifically Alprazolam and Tramadol, by coordinating the procurement, concealment, and shipment of drug consignments through intermediaries. As per statements recorded under Section 67 of the NDPS Act, the applicant instructed co-accused Pankaj Sahu to receive parcels from Jhansi, shared an Aadhaar card in the name of a fictitious sender, arranged payments, and communicated logistics via WhatsApp using mobile number 9795326907. He also allegedly used a bank account belonging to another person for transactions related to the drug parcels. Digital evidence, including call detail records and IP logs, shows the applicant in contact with key accused and at relevant locations during the commission of the offence. The applicant failed to cooperate with the investigation despite multiple notices and is suspected of attempting to destroy evidence.

Submissions made by the applicant

5. The learned counsel for the applicant submitted that the present case arises out of Complaint No. VIII/21/DZU/2023, registered under Sections 8(c), 22(c), 23(c), and 29 of the NDPS Act at PS NCB, RK Puram, New Delhi, in relation to a parcel intercepted on 08.05.2023 containing 14,700 Alprazolam tablets and 10,030 Tramadol tablets. The name and Aadhaar of one Neeraj Kumar Pathak were affixed to



the parcel, and the booking was allegedly facilitated through SSB Enterprises, Gwalior, at the instance of a person using the international number +17605144878. The NCB claims this number was linked to the present applicant. However, it is submitted that there is no direct recovery from the applicant and that the entire case against him is premised solely on uncorroborated statements recorded under Section 67 of the NDPS Act. It was contended that no CDRs or bank transactions directly implicate the applicant, who is a well-educated architect with no prior criminal record and has already joined investigation pursuant to notice under Section 67.

6. Further reliance has been placed upon the judgment of the Supreme Court in *Sanjay Chandra v. CBI*, SLP (Crl.) No. 5650 of 2011, wherein it was held that pre-trial incarceration amounts to punishment and that bail is the rule, especially when there is no risk of absconding or tampering with evidence. It was submitted that the applicant belongs to a respectable family, has deep social roots, and is willing to cooperate with the investigation. He has undertaken not to tamper with any evidence, to furnish sound surety, and to abide by any condition imposed by the Court. It was argued that continued custodial interrogation is unwarranted, as no incriminating material linking him directly with the contraband has been recovered. It was thus contended that the denial of anticipatory bail would amount to an unjustified curtailment of his right to life and liberty under Article 21 of the



Constitution, especially in the absence of any exceptional circumstance warranting such refusal.

Submissions made by the Respondent/NCB

7. Learned counsel for the Respondent/Narcotics Control Bureau vehemently opposed the grant of anticipatory bail to the applicant, submitting that the investigation has revealed the applicant's active role in the illicit trafficking of commercial quantities of Alprazolam (14,700 tablets) and Tramadol (10,030 tablets), seized from a parcel intercepted at Garudavega International, Mahipalpur, New Delhi. It is submitted that the number found on the parcel was an international WhatsApp number, which, as per the service provider Jio, was operated using internet services linked to the present applicant, with matching IP logs confirming its usage by him. The co-accused Pushpendra, in his voluntary statement recorded under Section 67 of the NDPS Act, identified this number as the one used to contact him for booking the parcel.

8. Furthermore it has been submitted that, co-accused Pankaj Sahu admitted that he had acted under the directions of the applicant and had earlier sent multiple such drug parcels from Jhansi to Gwalior, for which the applicant provided Aadhaar credentials in the name of one Neeraj Kumar Pathak. Despite interim protection having been granted, the applicant failed to cooperate with the investigation and lodged a



missing phone report only after the arrest of co-accused Pankaj Sahu, thereby indicating an attempt to destroy material evidence.

9. It is further submitted that the custodial interrogation of the applicant is necessary to ascertain the full extent of the conspiracy, the source of the contraband, and the identities of other syndicate members. It is alleged that the applicant has been evasive, has failed to appear despite multiple notices under Section 67 of the NDPS Act, and poses a flight risk. The learned Special Judge, NDPS, Patiala House Courts, has already rejected two anticipatory bail applications of the applicant, observing that the twin conditions under Section 37 of the NDPS Act are not satisfied in his favour. Reliance has been placed upon the judgments of the Supreme Court in *State by Inspector of Police v. B. Ramu* CrI. Appeal No. 801/2024 and *Anarul v. State of West Bengal* SLP (CrI.) No. 12621/2024, to contend that anticipatory bail should be granted sparingly and with extreme caution in NDPS cases involving commercial quantities. In view of the above, it is submitted that the present applicant is not entitled to the relief of anticipatory bail and the application is liable to be dismissed.

Analysis and Conclusion

10. Upon a perusal of the material placed on record, including the status report filed by the Narcotics Control Bureau (NCB), this Court finds that the present case arises from a seizure of commercial



quantity of controlled substances, namely 14,700 tablets of Alprazolam and 10,030 tablets of Tramadol, from a courier parcel intercepted at Mahipalpur, New Delhi, on 08.05.2023. Investigation has revealed that the parcel was booked using the Aadhaar identity of one Niraj Kumar Pathak through SSB Enterprises, Gwalior. Statements recorded under Section 67 of the NDPS Act, corroborated with digital evidence including call detail records, IP logs, and WhatsApp chats, suggest prima facie role of the applicant in coordinating, financing, and concealing the drug consignments. The international number linked with the parcel has been found to have been operated using IP addresses associated with the applicant. Furthermore, the applicant failed to join the investigation on multiple occasions despite the grant of interim protection, raising serious concerns about non-cooperation.

11. It is well settled that Section 37 of the NDPS Act imposes stringent limitations on the grant of bail in cases involving commercial quantities. In **Vikash @ Vicky v. State (Govt. Of Nct of Delhi)** BAIL APPLN. 1668/2024 the co-ordinate bench of this court has inter alia held as under;

“15. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation;



severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.”

12. The digital footprints, money trail, and WhatsApp conversations between the applicant and co-accused persons, as well as the use of a fictitious identity for parcel booking, create serious and grave suspicion against the applicant's involvement. These facts, at this stage, disentitle the applicant from the protection of anticipatory bail under the rigours of Section 37 NDPS Act.

13. The contention of the learned counsel for the applicant that there has been no direct recovery from him, and the case is based only on Section 67 statements, is not persuasive in the present factual matrix. In ***Tofan Singh v. State of Tamil Nadu***, (2021) 4 SCC 1, the Constitution Bench held that confessions under Section 67 are not admissible as evidence unless corroborated, but this does not preclude the investigating agency from acting on such statements during the course of investigation. In ***State of Haryana v. Samarth Kumar*** 2022 (3) RCR (Criminal) 991, the Supreme Court clearly held that the accused may be able to take the advantage of decision in ***Tofan Singh*** (supra) at the time of arguing the regular bail application or at the time of final hearing after the conclusion of trial. However, for the purpose of bail, the Court is not prohibited from considering such statements when corroborated by independent material, including digital evidence. Here, the Section 67 disclosures are substantially supported



by IP logs, WhatsApp chat records, and financial transactions traced to accounts allegedly operated by the applicant. Therefore, the totality of material on record points to an active role played by the applicant in an organized drug trafficking operation.

14. The reliance by the applicant on the judgment of **Sanjay Chandra v. CBI** (supra), is misplaced, as the said decision pertains to economic offences and not to cases under special statutes such as the NDPS Act involving commercial quantities. The Supreme Court has consistently held that bail jurisprudence under the NDPS Act is governed by a distinct and elevated threshold, particularly where Section 37 is applicable. In **NCB v. Kashif** CrI. Appeal no. 5544/2024 the Supreme Court reiterated that bail in NDPS cases involving commercial quantity is an exception, not the rule. It held that compliance with the twin conditions under Section 37, proof of prima facie innocence and assurance of non-reoffending, is mandatory and cumulative for grant of bail. The relevant para of the judgment reads as under:-

“8. There has been consistent and persistent view of this Court that in the NDPS cases, where the offence is punishable with minimum sentence of ten years, the accused shall generally be not released on bail. Negation of bail is the rule and its grant is an exception. While considering the application for bail, the court has to bear in mind the provisions of Section 37 of the NDPS Act, which are mandatory in nature. The recording of finding as mandated in Section 37 is a sine qua non for granting bail to the accused involved in the offences under the said Act. Apart from the granting opportunity of hearing to the Public Prosecutor, the other



two conditions i.e., (i) the satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that (ii) he is not likely to commit any offence while on bail, are the cumulative and not alternative conditions.”

15. In the present case, not only does the applicant has failed to satisfy the threshold conditions, but he has also shown deliberate evasiveness and lack of cooperation just after he was given interim protection which is evident from order dated 08.02.2024 when his second anticipatory bail was dismissed, which justifies denial of anticipatory relief. The subsequent lodging of a missing phone complaint only after arrest of a co-accused is also indicative of a possible attempt to destroy evidence.

16. This Court also finds force in the submission of the Respondent that custodial interrogation is necessary to uncover the broader conspiracy, including the source of the contraband, the international nexus, and identification of other members of the syndicate. The applicant is alleged to be the key conspirator coordinating logistics, payments, and procurement of psychotropic substances and his custodial presence is necessary to assist the investigation. In ***State of Kerala v. Rajesh***, (2020) 12 SCC 122, it was held that liberal grant of bail in NDPS cases involving commercial quantity would defeat the legislative mandate, and Courts must strictly adhere to the twin conditions. As held by the Supreme Court in ***State v. Anil Sharma***, (1997) 7 SCC 187, custodial interrogation may be necessary for a fair



and effective investigation, and anticipatory bail should not be granted in a manner that frustrates the investigation. The gravity of the offence, the nature of material collected, and the non-cooperative conduct of the applicant are sufficient grounds to deny anticipatory bail. Furthermore, the possibility of tampering with evidence cannot be ruled out given the applicant's past conduct.

17. In ***Srikant Upadhyay and ors v. State of Bihar and anr.*** SLP CrI. 7940/2023, the Supreme Court inter alia held as under;

“25. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant”



2025:DHC:5861



18. In light of the above discussion, and considering the seriousness of the offence, the amount of contraband, and the applicant's prima facie involvement, this Court is of the considered view that no case for grant of anticipatory bail is made out. The twin conditions under Section 37 of the NDPS Act are not satisfied in the applicant's favour. The investigation is at a crucial stage and the applicant's custodial interrogation is necessary to dismantle the drug trafficking network. Accordingly, this Court finds no merit in the application and the same is dismissed. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J.

JULY 22 , 2025/na

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