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

+ **BAIL APPLN. 907/2025**

GAURAV

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Deepak Ghai,
Mr. Shailender Mohan Popli, Mr.
Varun Mohan Popli, Mr. Gaurav
Raghuwanshi and Ms. Anushka
Raghav, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State
with SI Dev Kumar, P.S.ANTF Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **11.07.2025**

1. This is a petition under Section 483 BNSS read with Section 439 Cr.P.C for grant of regular bail filed on behalf of the petitioner Gaurav, in case FIR No. 80/2024, under Section 21/25/29 NDPS Act, PS Crime Branch.
2. Learned counsel for the petitioner submits that petitioner has no link or connection with the alleged offence. He has clean antecedents and has no previous criminal involvement. He has been arrested merely on the disclosure statement of the co-accused. No recovery has been affected from his possession. Co-accused Anil @ Billa, whose role is similar to the present petitioner, has since been enlarged on bail vide order dated 08.07.2025. Petitioner is therefore entitled for the grant of bail on the ground of parity.



3. Bail application has been opposed by the learned APP, arguing that heroin weighing 1010+50 grams was recovered from the possession of co-accused Sumit @ Sunny and Vikas, which is a commercial quantity, and therefore, bail is barred under Section 37 NDPS Act. It is submitted that petitioner Gaurav is the receiver of the recovered contraband and used to work with his brothers Vikas and Krishna. He was declared a Proclaimed Offender on 18.10.2024, but was later arrested on 22.10.2024 at the instance of co-accused Sachin, Sumit & Vikas.
4. During investigation, it was found that petitioner/accused Gaurav has one Scorpio car registered in his name and a flat in Burari in his father's name which were purchased by the money earned from the supply of drugs/heroin. The same have been freezed by moving proper application and the same has been approved by the concerned competent authority.
5. It is further submitted that accused Krishna, who is the real brother of the present petitioner, is also involved in the drug trafficking and is still absconding and was declared Proclaimed Offender by the trial court. The whole family of the petitioner is involved in drug trafficking and exploiting lives of youth. He also places reliance on the CDRs and WhatsAPP connectivity of the petitioner with co-accused Sachin, Sumit & Vikas to highlight the active involvement of the petitioner in the drug syndicate.
6. As per prosecution case, co-accused Sachin and Sumit were apprehended on the basis of a secret information, and upon their search, heroin weighing 1010 gms. was recovered from accused Sumit. However, nothing was recovered from co-accused Sachin.
7. Upon interrogation, both the said accused disclosed that they had



procured the heroin from one Renu Nagiya and were to supply the same to the petitioner, who was arrested on 22.10.2024.

8. Admittedly, no recovery has been affected from the possession of the present petitioner. The secret information does mention the name of the present petitioner as the person to whom the contraband was to be delivered, but obviously, the secret informer is not a witness in the case, and therefore, not much reliance can be placed upon such information. The disclosure statement of the petitioner and co-accused without corroboration is not admissible in evidence (*Ref: Tofan Singh Vs. State of Tamil Nadu (2021) 4 SSC 1*). The only other evidence on which the prosecution is relying against the present petitioner is the CDRs and WhatsApp connectivity of the petitioner with co-accused. No transcript of conversation has been placed with the status report. The mere existence of CDR/WhatsApp connectivity does not *per se* indicate complicity of the petitioner in the commission of crime.

9. Moreover, the supplier of alleged contraband Anil @ Billa has since been enlarged on bail. His role is similar to the role of the present petitioner, who is stated to be the person to whom the contraband was to be delivered. Petitioner is therefore entitled to parity in the matter of grant of bail. Status Report does not indicate the involvement of the petitioner in any other criminal case. Petitioner is stated to be in J/C since 22.10.2024. Charge sheet has already been filed against him. Petitioner is therefore not required for any further investigation.

10. Hence, in view of the aforesaid facts and circumstances and without commenting further on the merits of the case, the Court is of the opinion that requirement for granting bail under Section 37 of the NDPS Act stands



satisfied in the present case. It is accordingly directed that petitioner shall be released on regular bail upon furnishing a personal bond in the sum of Rs. 50,000/- with a surety of the like amount to the satisfaction of the trial court/Duty Magistrate, subject to following conditions:-

- i) Petitioner shall furnish his permanent address to the trial court. In case of change of address, he shall intimate the same to the trial court and the Investigating Officer by way of an affidavit.
- ii) Petitioner shall not leave the country without prior permission of the trial court;
- iii) Petitioner shall appear before the Court as and when directed;
- iv) Petitioner shall share his mobile number with the IO, which shall be kept in working condition at all times. Petitioner shall not switch off his phone or change his mobile number without prior intimation to the IO.
- v) Petitioner shall not indulge in any criminal activity and shall not try to contact any of the prosecution witnesses or tamper with the evidence.
- vi) Petitioner shall report to the Office of PS Crime Branch on 1st Monday of every month.

11. It is clarified that nothing contained in this order shall be construed as an expression on the merits of the case.

12. Petition accordingly stands disposed of.

13. A copy of this order be forwarded to the concerned Superintendent Jail for necessary compliance.

RAVINDER DUDEJA, J.

JULY 11, 2025/na/RM