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

+ **BAIL APPLN. 921/2025**

GOVINDA NARAYAN

.....Petitioner

Through: Appearance not given.
versus

NARCOTICS CONTROL BUREAU DELHI ZONAL UNIT

.....Respondent

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

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. Status report has been handed up in Court today and the same is taken on record. The case of the NCB/respondent as per the status report dated 02.04.2025 is as under: -

"1. On 28th February 2022, based on reliable information, 1.107 kilograms of Methaqualone was seized from parcel number 4573137424, which was located at DHL Express Pvt. Ltd., situated at 71/3, Rama Road, near Kirti Nagar, New Delhi. The contraband was seized in accordance with the provisions outlined in the Narcotic Drugs and Psychotropic Substances (NDPS) Act. The sample of the substance was sent for analysis to the Central Revenues Control



Laboratory (CRCL), New Delhi, where the report, dated 25th July 2022, confirmed the presence of Ketamine Hydrochloride (refer to the panchnama, pages 6 to 15, and the CRCL report, page 49, of the complaint).

2. During the inquiry, it was revealed that the parcel bearing no. 4573137424 had passed through multiple locations before arriving at DHL, New Delhi, including Mahipalpur, Bhilwara, and Ajmer in Rajasthan.

3. In the course of the investigation, a key witness, Sh. Rajkumar Agarwal, who was a booking clerk at DHL, Ajmer, provided a statement. He stated that the parcel in question was received from one Sehdev Sarwan, and further disclosed details of their communication, including chat logs with Sehdev Sarwan. These chat logs are annexed in the complaint at pages 58 to 66 of the Complaint.

4. On 22nd August 2022, the statement of Sehdev Sarwan was recorded. In his statement, Sehdev Sarwan stated that the parcel had been handed over to him by Govinda Narayan and Devender Singh Rajpurohit, and he provided addresses to identify both individuals. On the following day, 23rd August 2022, he further identified photos of Govinda Narayan and Devender Singh Rajpurohit as the persons who had entrusted him with the parcel for booking (refer to pages 68 to 74 of the complaint).

5. On 23rd August 2022, the statement of Govinda Narayan was recorded. He disclosed that he and Devender Singh Rajpurohit had received the parcel from Shankar Singh Rawat and subsequently handed it over to Sehdev Sarwan for booking at DHL, Ajmer (refer to pages 76 to 81 of the complaint). Additionally, the statement of Devender Singh Rajpurohit was recorded on the same day. He corroborated Govinda Narayan's statement, affirming that they had obtained the parcel from Shankar Singh Rawat and delivered it to Sehdev Sarwan for shipment via DHL, Ajmer. (Refer to pages 86 to 95). It was also found that Devender Singh Rajpurohit had written the sender and receiver names on the parcel, and this document was seized along with the contraband. Furthermore, the investigation revealed chats from a mobile phone recovered during a house search of Devender Singh Rajpurohit, showing that he had previously sent a parcel to Yakir Dabas in Israel in 2021 (refer to page 255 of the complaint). The recovered parcel, containing the contraband, was also addressed to Yakir Dabas in Israel. Moreover, several photos of parcels in a packed condition were found in Devender Singh Rajpurohit's mobile phone, indicating frequent shipments to Israel, in collaboration



with Govinda Narayan. A chat found in his phone (refer to page 260) mentioned tracking updates regarding the parcel with Sehdev Sarwan.

6. On 23rd August 2022, the statement of Shankar Singh Rawat, the applicant, was recorded. In his statement, he confirmed that he had handed over the parcel to Govinda Narayan and Devender Singh Rajpurohit for delivery to Yakir Dabas in Israel via DHL. The investigation also revealed that Rawat had received cryptocurrency payments from Israel for this illegal activity. Furthermore, Shankar Singh Rawat was involved in the shipment of another parcel to Israel and had transferred 18,000 rupees to Govinda Narayan (refer to pages 100 to 127 of the complaint).

7. The mobile phones of Govinda Narayan, Shankar Singh Rawat, and Devender Singh Rajpurohit contained several encrypted messages related to the shipment of drugs (Ketamine Hydrochloride) to Israel. These individuals used the Signal app to communicate about the illegal shipments. The investigation further revealed that Shankar Singh Rawat had activated the auto-delete feature on his WhatsApp and Signal app, making it difficult to retrieve certain conversations. The mobile phones contained numerous images of parcels, along with encrypted chats discussing the logistics of sending contraband.

8. During the investigation, Santosh Jain, the individual to whom mobile number 9028145206 was registered, provided a statement indicating that she had no knowledge of the usage of the mobile number in question. She stated that she had never used the number in the past and does not currently use it. However, this mobile number was used by the accused for booking the parcel destined for Israel.

9. Several Aadhar cards and other identity documents belonging to different individuals were discovered in the mobile phones of Devender Singh Rajpurohit and Govinda Narayan. However, it was noted that some of the photos in Govinda Narayan's phone were blurred.

10. The mobile phone found in the possession of Govinda Narayan (Oppo F-17) had the same IMEI number as the one obtained from the CDR of mobile number 8824967019. This confirmed that the mobile number 8824967019 was being used by Govinda Narayan. Further, mobile numbers 8107041424 and 8955091007 were used by Shankar Singh Rawat. It was also noted that Govinda Narayan and Devender Singh Rajpurohit were in constant contact, both before and after the shipment of the Ketamine Hydrochloride parcel. Additionally, the IMEI number of the Vivo phone found during the house search of Devender Singh Rajpurohit matched the one associated with mobile



number 7737124567, further linking these individuals to the crime. Furthermore, the contact between Govinda Narayan and Shankar Singh Rawat was evident, with the former frequently interacting with the latter concerning the illegal parcel bookings.

11. The primary objective of the accused and their associates was to illegally export the contraband, specifically Ketamine Hydrochloride, without obtaining the necessary licenses, permissions, or authorizations as required by the NDPS Act. It is not essential for all the accused individuals to have direct connections or knowledge of each other, provided the objective and actions of the conspiracy align, as was the case in this instance. The

recovered contraband constitutes a commercial quantity, and the evidence points to the illegal possession and export of Ketamine Hydrochloride, a psychotropic substance under the NDPS Act.

12. The accused, Devendra Singh Rajpurohit, has been implicated, as evidenced by the statement of the booking agent, Sehdev Sarvan. It is further established that the petitioner received a sum of {18,000/- from the accused, Shankar Singh Rawat, via UPI transaction to the ID govindanarayan @ybl (as referenced on page 113) for the purpose of booking the parcel. Additionally, the applicant provided the tracking ID of the parcel to the co-accused, Shankar Singh Rawat (as documented on pages 119-121). Furthermore, the applicant made an inquiry regarding the tracking number through a call placed from the mobile number

8824967019.

13. The smart report, as detailed in pages 169 and 1470 of the complaint, provides evidence of the connectivity and communication between Govinda Narayan, Devender Singh Rajpurohit, and the individual responsible for booking the parcel.

14. 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: -



“8 .	Role of the present accused: -	Role of present accused It is alleged that the parcel containing 1.107 kg of Methaqualone was booked by the co-accused/applicant along with present petitioner/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 Devender Singh Rajpurohit. 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 Devender 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 about the parcel. It is further submitted that the present applicant had made inquiries about the tracking number using phone number 8824967019 and Rs. 18,000/- were sent by Shankar Singh Rawat to the present applicant for booking of the parcel. 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 06.09.2023. 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 29.03.2025 reflects that the applicant has been in judicial custody for a period of approximately 2 years 7 months.
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 29.03.2025, the applicant has been in judicial custody for approximately 2 years and 7 months.

12. Considering the delay in trial and long incarceration of approximately



2 years and 7 months, 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