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

+ **BAIL APPLN. 1096/2025**

PARAMJEET SINGH

.....Petitioner

Through: Mr. Sachin Tanwar, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

29.07.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case out of FIR bearing no. 190/2023, registered at Police Station Special Cell, Delhi, for the commission of offences punishable under Sections 18/29 of the Narcotics Drugs & Psychotropic Substances Act, 1985 (hereafter 'NDPS Act').

2. Brief facts of the case are that on receipt of specific secret information in the name of accused Paramjeet and Raj Kumar being in possession of contraband (i.e. opium), they were apprehended by the raiding team. From the bag of present accused Paramjeet, 5.195 kgs of opium, and from the truck in which both the accused were travelling, 50.860 kgs of opium was recovered. It is alleged that accused persons Paramjeet and Raj Kumar were in Truck bearing No. UP-13BT-5215, and apprehended in Mangolpuri Industrial Area, Delhi, who had procured the contraband i.e. opium from one



Thangmai, resident of Manipur, one the instructions of one Niramal, resident of Assam, and were to deliver the said contraband to one Sanjeet, resident of Sultanpuri, Delhi.

3. The learned APP for the State submits that the recovery of opium from present accused is of commercial quantity. Further, there is CDR connectivity between accused Paramjeet, co-accused Rajkumar, co-accused Kanwaldeep Singh (alias Niramal of Assam) and an unknown lady. He also argues that intercepted calls between present accused Paramjeet and Kanwaldeep Singh, Thugboi Kipgen, Tonghen Kogen are also on record which clearly shows that they were in touch with each other regarding the narcotic substance which was recovered from their possession. It is now also stated that the FSL report has proved that the voice in the incriminating intercepted conversation is of the present accused Paramjeet.

4. The learned counsel appearing on behalf of the applicant, on the other hand, argues that the accused has been falsely implicated in the present case and that there is no incriminating material on record to connect him with the alleged offence. It is argued on behalf of the applicant that there is violation of Section 52A of the NDPS Act in this case. He also states that the applicant is in judicial custody for the last about 2 years and that the trial will take time to conclude. Therefore, it is prayed that the applicant be granted bail.

5. This Court has **heard** arguments addressed on behalf of both the sides and has perused the material available on record.

6. After hearing arguments and going through the case file, this Court is of the opinion that 50.860 kg of opium was recovered from the truck in which the present accused and co-accused Raj Kumar were travelling. Apart



from the same, 5.195 kg of opium was recovered from the bag being carried by the present applicant. The FSL report has been filed, which also shows that the voice samples of the accused matches with the incriminating intercepted conversation. The intercepted conversation which has been placed on record points towards the accused persons talking about the contraband.

7. The quantity of opium recovered from the present accused/applicant Paramjeet is commercial quantity of contraband, which attracts bar under Section 37 of NDPS Act. In order to grant bail in such cases, the twin conditions under Section 37 must be satisfied. This includes a satisfaction that there should be reasonable grounds for believing that the applicant is not guilty of the offence and that he is not likely to commit any offence while on bail. In the case of ***Union of India v. Prateek Shukla*: (2021) 5 SCC 430**, ***State v. Lokesh Chadha*: (2021) 5 SCC 724**, and ***Narcotics Control Bureau v. Mohit Aggarwal*: 2022 SCC Online SC 891**, it was held by the Hon'ble Supreme Court that the provisions of Section 37 of NDPS Act have to be applied strictly at the time of deciding bail application of an accused.

8. The quantity of contraband recovered from the accused/applicant, the content of the intercepted conversation, the CDR connectivity between the present accused and the other co-accused persons, at this stage, does not compel this Court to grant bail to the accused, as there is no reason to believe that the applicant is not guilty of the alleged offence for the limited purpose of Section 37 of NDPS Act.

9. As far as the argument of learned counsel for the applicant, that provisions of Section 52A of the NDPS Act were not followed or were



violated in this case, is concerned, the same cannot be a ground for grant of bail. In this regard, the Hon'ble Supreme Court in ***Narcotics Control Bureau v. Kashif***: 2024 SCC OnLine SC 3848 has held that any procedural irregularity or illegality found to have been committed in conducting the search or seizure during the course of investigation or thereafter, would by itself not make the entire evidence collected during the course of investigation, inadmissible, and any lapse or delay in compliance of Section 52A by itself would neither vitiate the trial nor would entitle the accused to be released on bail.

10. In view thereof, this Court finds no ground to allow the present bail application. The same is accordingly dismissed.

11. However, the learned Trial Court is requested to ensure expeditious trial in the present case as the accused is in judicial custody for the last about two years.

12. Nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 29, 2025/zp