



2025:DHC:4907



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 28.05.2025*+ **BAIL APPLN. 1496/2025**

RIZWAN AHMED

.....Petitioner

Through: Mr. Sameer Tripathi and Mr.
Narender Singh Sangwan,
Advocates

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Manoj Pant, APP for the
State and SI Sandeep Kumar,
Special Cell NDR

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (ORAL)**

1. By way of this application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 172/2021, registered at Police Station Special Cell, Delhi for the commission of offence punishable under Sections 21/25/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 [hereafter '*NDPS Act*'].
2. Brief facts of the case are that on the basis of a secret information received on 05.07.2021, present accused/applicant Rizwan was apprehended during the intervening night at Ghitorni, Delhi, while he was in a vehicle (scooty) bearing registration no.



DL12SP1160. Upon search of the boot of the said vehicle, 1.17 kg of heroin was recovered. Pursuant to Rizwan's disclosure, co-accused Gurpreet and Gurjot were apprehended at Sector-65, Faridabad, Haryana. Upon search of the vehicle belonging to co-accused Gurpreet bearing registration no. UP15CW6969, a recovery of 168.5 kg of heroin was made. Similarly, 116 kg of heroin was recovered from the vehicle bearing no. DL10CK0539, which was being used by co-accused Gurjot. Subsequently, based on the disclosure of Gurpreet and Gurjot, a search was conducted at Flat No. 402, NSG CGHS Ltd., Sector-65, Faridabad, from where an additional 71 kg of heroin was recovered. The present accused Rizwan further disclosed information about co-accused Hazrat, who was later apprehended from Village Jharsa, Gurugram. From his possession, 1.99 kg of heroin was recovered on 08.07.2021. Thereafter, at the instance of co-accused Hazrat and present accused Rizwan, a search was conducted at House No. 182, Ghitorni, Delhi. From the said premises, two containers of hydrochloric acid, one container of liquid ammonia, and one container of dextromethorphan – all chemicals commonly used in the preparation of heroin – were recovered. Subsequently, based on the disclosure made by co-accused Gurpreet and Gurjot, co-accused Ramandeep was apprehended from Beas, Amritsar. At his instance, 210 grams of heroin was recovered on 01.08.2021. Ramandeep then disclosed the name of another accused, Navpreet, who is yet to be arrested. During the course of investigation, documents pertaining to Navpreet were recovered from



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Ramandeep's possession. Co-accused Gurpreet and Gurjot had further disclosed information regarding a factory at Shivpuri, following which co-accused Hardev, Manjeet, and Prabhjeet were arrested from Taloja Jail, Maharashtra, where they had already been incarcerated in connection with a DRI case pertaining to seizure of contraband from Shivpuri. It was also revealed that an iPhone used in the narcotic syndicate had been provided by Ramandeep to Gurpreet and Gurjot; the said iPhones were subsequently recovered from the possession of Gurpreet and Gurjot. Investigation further indicated that co-accused Hardev, Manjeet, and Prabhjeet were part of the narcotic syndicate. A financial transaction of ₹2,80,000/- between co-accused Hardev Singh and co-accused Lovejit was traced. The godown at Shivpuri, from which the heroin had been sourced, had been taken on rent by co-accused Manjeet Singh. Statements of the owners, Mr. Gopal and Mr. Jitender Shiv Hare, confirmed that the premises had been rented by Manjeet and the rent was paid by Lovejit @ Labba and Manjeet @ Manna. Further investigation revealed that co-accused Prabhjeet Singh had imported the contraband into India and had deposited the cash proceeds from Shivpuri into the account of an entity named Sandhu Export. Upon completion of the investigation, a charge sheet was filed against the accused persons Rizwan Ahmed (applicant herein), Gurpreet Singh, Gurjot Singh, Hazrat Ali, Ramandeep Singh, Hardev Singh, Manjit Singh and Prabhjit Singh. Thereafter, a supplementary charge sheet was also filed against accused Manjeet @ Manna and Lovejit @



Labba.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and he does not have any criminal antecedents. It is argued that no independent witness has been made a party to the proceedings who can verify the version of events claimed by the prosecution. The learned counsel also states that the applicant was not a party to the distribution network of the drugs, as alleged by the prosecution, and there is no evidence to suggest the same. It is further argued that no evidence relating to sale and purchase of narcotic substances has been found which could link the applicant to other accused persons, and at the time of his arrest, he only had Rs.20,000/- in his bank account and he even had a loan of Rs. 5,000/- on his credit card. It is also stated that the alleged recovery of narcotic substance was not affected from the person of the applicant, but from the vehicle, but the same is false and has been planted upon him. The learned counsel also argues that the applicant is in judicial custody since 06.07.2021 i.e. for almost four years and since the trial is at nascent stage, he be granted regular bail.

4. On the other hand, the learned APP for the State argues that in this case, the applicant herein was apprehended pursuant to receipt of secret information, and upon search of his scooty, 1.17 kg of heroin i.e. commercial quantity, was recovered. It is stated that the bar under Section 37 of NDPS Act would be attracted in this case. The learned APP for the State further submits that all mandatory provisions of



NDPS Act were complied with and the FSL report also supports the case of prosecution. It is also contended that other co-accused persons were arrested on the basis of disclosure statement of the present applicant itself, which had led to their arrests as well as recovery of large quantities of narcotic substances, and revelation of a narcotics syndicate. It is therefore prayed that the present bail application be rejected.

5. This Court has **heard** arguments advanced on behalf of both the parties and has perused the record.

6. At the outset, this Court notes that the present case, as revealed through the material placed on record, discloses the existence of a large and well-organized narcotic drug trafficking syndicate operating across multiple states in India, with alleged international links. The investigation indicates a complex chain involving procurement, transportation, storage, and distribution of substantial quantities of heroin and other narcotic substances in different states. The recovery of commercial and intermediate quantities of contraband from various accused persons, coupled with the seizure of chemicals (used to purify the heroin) as well as communication devices, points towards a coordinated conspiracy among the accused persons. As pointed out, a total of 358.880 kg of narcotic substances as well as chemicals used for purifying the contraband were recovered from the syndicate.

7. Insofar as the present applicant Rizwan is concerned, the



charge sheet reveals that he was the first person to be apprehended in the present case, pursuant to receipt of secret information, on the basis of which a trap was laid and the applicant was apprehended at about 2:45 a.m. on 6 July 2021. Although no contraband was recovered from the person of the applicant, a search of the boot of the Scooty on which he was travelling led to the recovery of a white transparent plastic packet containing a brown granular substance. Upon being weighed using an electronic weighing machine, the substance was found to be 1.17 kg in weight. Further, testing of the said substance using a field testing kit indicated that it was heroin.

8. This Court also notes that the applicant had disclosed that the source of the contraband could be traced to Sector-65, Faridabad, Haryana, where co-accused Gurpreet Singh and Gurjot Singh were apprehended at a flat. A total of 355.5 kg of heroin was recovered from the said co-accused persons.

9. Another co-accused, Hazrat Ali, an Afghan national, was also apprehended on the basis of the disclosure made by the present applicant, who had stated that he used to procure contraband and other materials required for its purification from Hazrat Ali. Upon Hazrat Ali's apprehension, a recovery of approximately 2 kg of opium was made from his possession, along with containers containing hydrochloric acid, liquid ammonia, and dextromethorphan – substances commonly used in the preparation and purification of heroin.



10. Furthermore, co-accused Gurpreet and Gurjot, who were apprehended pursuant to the disclosure made by the present applicant, further unearthed the broader conspiracy and disclosed the name of one Navpreet Singh, who is alleged to be the main conspirator and handler in the present case and is presently absconding.

11. Since commercial quantity of heroin (1.17 kg) was recovered from the applicant, the embargo under Section 37 of the NDPS Act would squarely apply to the present case. As per Section 37(1)(b) of the Act, in cases involving commercial quantity, no person shall be released on bail unless (i) the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the alleged offence, and (ii) that he is not likely to commit any offence while on bail. Both these conditions must be satisfied before the grant of bail. The rigours of Section 37 are, therefore, required to be considered strictly in the present case, keeping in view the nature and gravity of the alleged offence and the role attributed to the applicant in the overall chain of events.

12. The Hon'ble Supreme Court in ***Narcotics Control Bureau v. Mohit Aggarwal***: 2022 SCC Online SC 891, while explaining the meaning of 'reasonable grounds' under Section 37(1)(b) of NDPS Act, has held that the same would mean credible and plausible grounds for the Court to believe that the accused person is not guilty of the alleged offence, and further that for arriving at any such conclusion, such facts and circumstances must exist in a case that can



persuade the Court to believe that the accused person would not have committed such an offence.

13. In ***Narcotics Control Bureau v. Kashif***: 2024 INSC 1045, the Hon'ble Supreme Court held 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.”

14. Concededly, commercial quantity of heroin (1.17 kg) was recovered from the present applicant at the spot. Charges have already been framed against him by the learned Trial Court for offence under Sections 21(c) and 25 of NDPS Act. In the given facts and circumstances of the case, this Court finds no reasonable grounds (for the purpose of Section 37 of NDPS Act) to believe that the applicant is not guilty of the alleged offence.

15. As far as the contention of the learned counsel for the applicant that the applicant was in a poor financial condition, having only ₹20,000/- in his bank account and an outstanding credit card loan of ₹5,000/-, and therefore could not have been involved in the alleged narcotic trade, this Court is of the considered view that such financial status, by itself, cannot be a criteria for grant or denial of bail under the NDPS Act. The applicant's low bank balance does not negate the



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statutory presumption under Section 54 of the NDPS Act, especially when commercial quantity of contraband has been recovered from the boot of the vehicle in his possession.

16. The trial in this case is at a crucial stage, since material witnesses are yet to be examined before the learned Trial Court. Thus, for the reasons recorded hereinabove, this Court finds no ground to grant regular bail to the applicant.

17. The bail application is accordingly dismissed.

18. Nothing expressed hereinabove shall be tantamount to an expression of opinion on the merits of the case.

19. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 28, 2025/A