



2025:DHC:8543



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 23.09.2025*+ **BAIL APPLN. 1736/2025**

RANJAN SINGH

.....Petitioner

Through: Mr. Anubhav Tyagi, Mr.
Hemant Kumar, Mr. Puneet
Singh, Mr. Kuldeep Jauhari,
and Mr. Sahil Ahuja,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State with SI Naresh Kumar

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

1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of FIR bearing No.116/2023, registered at Police Station Maurice Nagar, Delhi for the commission of offence punishable under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances, 1985 (hereafter '*NDPS Act*').

2. Brief facts of the case, as per the prosecution, are that on 24.07.2023, SI Vijay Pal had received secret information that one Safiulla, a resident of Bihar and allegedly involved in the supply of narcotic substances along with his associates Anil Singh and a doctor,



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would be coming near the overhead tank at Delhi University Road to deliver Heroin to his associate Ranjan Singh (the present applicant). After obtaining permission from senior officers, a raiding team was constituted. On reaching the spot, efforts were made to join public witnesses, but none agreed. At about 12:55 PM, one person carrying a yellow cloth bag had arrived from the Bonta Park side, followed shortly by another person from the Mall Road side. The informer had identified them as Safiulla and the applicant Ranjan Singh. As alleged, Safiulla was seen handing over a red cloth bag to the applicant, whereupon both were apprehended by the police team. They had disclosed their identities as Safiulla S/o Rasul and Ranjan Singh S/o Hans Raj Singh, both residents of District Aara, Bihar. Notices under Section 50 of NDPS Act were served, informing them of their right to be searched before a Magistrate or Gazetted Officer, which they had declined. Nevertheless, ACP Prashant Chaudhary, Sub-Division Sarai Rohilla, was called to the spot at about 2:25 PM. In his presence, a search was conducted. From Safiulla's yellow bag, a white polythene containing 320 grams of Heroin was recovered (marked "A"). From the red bag in possession of the applicant Ranjan Singh, a yellow polythene containing 280 grams of Heroin was recovered (marked "B"). The contraband was sealed and seized, and the present FIR was thereafter registered.

3. The learned counsel appearing for the applicant argues that the recovery of Heroin was effected from the applicant on 24.07.2023 at a public place in broad daylight, however, no independent witness



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was called at the spot at the time of the alleged recovery. It is also argued that the alleged recovery has neither been videographed or photographed which should have been done if no independent witness was available. It is further contended that the applicant/accused was never informed of the grounds of arrest and no notice under Section 52 of NDPS Act was served upon him. It is argued that the present applicant has no connection with the sale or purchase of any narcotic or psychotropic substance with co-accused Safiulla, and prosecution has failed to establish any link between the alleged recovered contraband and the applicant herein. It is also stated that the applicant has clean antecedents and there is no FIR against him except the present one. It is stated that there are 20 witnesses in the present case and none of the witnesses have been examined till date, as even charges have not been framed and thus, the trial will take substantial time to conclude. The learned counsel also points out that co-accused Dharmender Yadav has been granted regular bail by the Hon'ble Supreme Court. It is thus prayed that the applicant be granted regular bail.

4. On the other hand, learned APP for the State argues that commercial quantity i.e. 280 grams Heroin was recovered from the possession of the applicant herein, and FSL report supports the case of prosecution. It is also contended that Call Detail Records (CDRs) of all accused persons were obtained during investigation, and it was found that all of them were in constant contact with each other. It is submitted that since charges have not been framed yet, the present



bail application be dismissed, also considering the twin conditions under Section 37 of NDPS Act.

5. This Court has **heard** arguments addressed by the learned counsel for the applicant as well as the learned APP for the State, and has perused the material available on record.

6. In the present case, co-accused Safiulla and applicant Ranjan were apprehended with commercial quantities of contraband i.e. 320 grams and 280 grams of Heroin respectively, at the spot by the raiding team. As per prosecution, the accused persons had revealed during investigation that they had procured Heroin from co-accused Anil and Dharmender @ Doctor, both residents of Bihar. This Court further notes that during investigation, CDR analysis of the mobile numbers of the accused persons revealed that all of them were in touch with each other, and notably, the applicant Ranjan had made about 154 calls to co-accused Safiulla and 91 calls to co-accused Anil Kumar, in June and July 2023, i.e. period prior to his apprehension and arrest in the present case.

7. Concededly, the alleged recovery made from the applicant is commercial quantity (280 grams of Heroin). Therefore, embargo under Section 37 of NDPS Act would be attracted against him. 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 as under:

“14. To sum up, the expression "reasonable grounds" used in



clause (b) of Sub-Section (1) of Section 37 would mean credible, plausible and grounds for the Court to believe that the accused person is not guilty of the alleged offence. 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. Dove-tailed with the aforesaid satisfaction is an additional consideration that the accused person is unlikely to commit any offence while on bail.”

8. In the case of ***Union of India v. Prateek Shukla***: (2021) 5 SCC 430 as well as ***State v. Lokesh Chadha***: (2021) 5 SCC 724, 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.

9. The contention of the learned counsel for the applicant – that grounds of arrest were not communicated to the applicant at the time of his arrest and thus he should be granted bail – is also unmerited. It is to be noted that in the notice under Section 50 of NDPS Act served upon the applicant, it was specifically mentioned that the raiding team was in receipt of information that applicant had come at the spot alongwith co-accused for supply of Heroin and there were chances of recovery of Heroin from the applicant if he was searched. Further, in the seizure memo prepared at the spot, the details of recovery of commercial quantity of narcotic substance were mentioned. Both these documents bear the signature of the applicant. Furthermore, within 24 hours of arrest, the application seeking remand of the applicant was filed, which also contained the details pertaining to recovery of narcotic substance from him, his arrest thereto, and the need for his police custody remand, and concededly, the applicant



was present before the Court and was represented by the legal aid counsel. Further remand orders also repeatedly mention about recovery of 600 grams of heroin (commercial quantity) in this case. Thus, *prima facie*, it cannot be held that the applicant herein was not made aware as to why and on what ground he had been arrested in this case. This Court's attention has also been drawn to the judgment dated 14.08.2025 of the Hon'ble Supreme Court in ***State of Karnataka v. Sri Darshan***: 2025 INSC 979 wherein it has been held as under:

“20.1.3. The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest – but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.

20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail...”

10. Therefore, it is apparent that the applicant was made aware of the grounds of, and the reasons for, his arrest, i.e. recovery of 280 grams of heroin, which is commercial quantity, from him.

11. As regards the other contention of the learned counsel for the applicant that co-accused Dharmender Yadav has been granted bail in



this case, this Court notes that as evident from order dated 17.09.2025 passed by the Hon'ble Supreme Court in *SLP (Crl.) No. 10378/2025*, no recovery had been effected from the co-accused Dharmender and he had been arrested on the basis of the disclosure statement of the present applicant and co-accused Safiulla; whereas from the present applicant Ranjan, recovery of commercial quantity of Heroin has been effected. Thus, no case for grant of bail on grounds of parity is made out.

12. Considering the factum of recovery of commercial quantity of narcotic substance from the applicant, FLS report on record, analysis of the CDRs, twin conditions under Section 37 of NDPS Act not being satisfied, and the fact that charges are yet to be framed and material prosecution witnesses yet to be examined, this Court finds no reason to allow the present bail application.

13. The bail application is accordingly dismissed.

14. However, considering the fact that despite the lapse of two years, charges have not been framed in the present case, the learned Trial Court is requested to expedite the proceedings in this case including passing order on charge.

15. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
SEPTEMBER 23, 2025/ns