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

Reserved on: 06.12.2025
Date of Decision: 19.12.2025

\+ CRL.M.C. 4041/2025 & CRL.M.A. 36414/2025

STATE .....Petitioner

Through: Mr. Akhand Pratap Singh, Special Counsel with Mr. Shashi Shekhar, Ms. Samridhi Dobhal, Mr. Krishna Mohan Chandel, Mr. Hritwik Maurya, Mr. Mayank Kaushik, Advs, and I.O, Shailesh Kumar, Insp. Rahul Kumar, Special Cell, TYR

versus

ANCHIT JAIN .....Respondent

Through: Mr. B. S. Jakhar, Mr. Vikram Singh Jakhar, Mr. Amit Tiwari, Ms. Bhawna Jakhar, Mr. Neeraj Jakhar, Mr. Viraj Rathee, Ms. Aastha Gautam, Mr. Mohit Yadav, Ms. Nidhi Jakhar, Mr. Shubham Dabas Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT

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1. The present petition has been filed by the petitioner/State/prosecution against the respondent / accused *Anchit Jain* under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (erstwhile Section 482 of the Code of Criminal Procedure,

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[1] Hereinafter "BNSS"

1973[2]), read with Section 483(3) of the BNSS (erstwhile Section 439(2) of the CrPC) seeking setting aside of the order dated 14.05.2025 passed by learned ASJ, Special Judge, NDPS, Patiala House Court, New Delhi (hereinafter "learned ASJ/Special Judge") in application seeking anticipatory bail to respondent in FIR No. 455/2024 dated 02.10.2024, under Sections 8/20/21/25/27(A)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985[3], PS - Special Cell, Delhi.

Factual Matrix

2. The case is based on a secret information received by the Special Cell on 01.10.2024. Acting on this information, a police team led by SI Abhishek Joshi conducted a raid at House No. A-3, Khasra No. 386/2, Gali No. 2, Mahipalpur Extension, Delhi. Three persons, namely Tushar Goyal, Himanshu Kumar, and Aurangzeb Siddiqui, were apprehended when they came out of the premises. From their possession, the police recovered 5.640 kg, 5.240 kg, and 5.220 kg of contraband respectively, consisting of cocaine like substance. On their instance, the police searched the same building and recovered a further 547 kg of cocaine and 39.706 kg of hydroponic marijuana, all kept in the said premises.

3. On the basis of disclosures of these arrested persons, the police later apprehended one Bharat Kumar, a resident of Mumbai, who had arrived to receive the consignment. On 03.10.2024, Jatinder Singh Gill @ Jassi, a resident of Amritsar and an NRI settled in the United Kingdom for 27 years, was detained at Amritsar Airport and arrested.

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[2] Hereinafter "CrPC"
[3] Hereinafter "NDPS Act"

On 05.10.2024, a Fortuner vehicle used by Jatinder Singh Gill @ Jassi for movement in Punjab was searched, and 1.096 kg of contraband was recovered from it. The vehicle belongs to one Ravinder, the brother of alleged kingpin Virender Singh Baisoya @ Viru.

4. Further recoveries followed in the investigation. On 10.10.2024, a consignment of 208 kg of suspected contraband was recovered from Ramesh Nagar, Delhi, packed inside "Chatpata Namkeen" packets. On 13.10.2024, another recovery of 518.18 kg of mephedrone was made from the premises of Aavkar Drug Pvt. Ltd., Plot No. 3708, GIDC Estate, Ankleshwar, District Bharuch, Gujarat.

5. The total recovery in the case reached 1289 kg of cocaine/mephedrone and 39.706 kg of hydroponic marijuana across Delhi, Gujarat, Punjab, and Mumbai. Fourteen persons were arrested, whose details, including addresses, dates of arrest and recovery linked to each of them, are recorded in the chargesheet.

6. During investigation, the police seized multiple DVRs and 29 mobile phones. Sixteen phones were analyzed by CERT-IN and data was retrieved. FSL reports confirmed the presence of cocaine, mephedrone, benzoylecgonine, and ganja in the seized samples. Results for some samples remain pending.

7. Investigation further revealed that alleged kingpins Virender Singh Baisoya @ Viru and Sandip Sansar Dhunay were operating an international drug cartel involving the United Kingdom, Malaysia, Pakistan, Thailand and Dubai. Email accounts of the fictitious firms used for drug distribution, Pharma Solution Services, RM Biochem and Life Saver Pharma were traced to locations in Pakistan and Malaysia.

8. During the investigation, the police issued Notices under Section 67 of the NDPS Act to Mayank Jain (at Karor Apartment, Dwarka Sec-5 Delhi) and Anchit Jain (at B-75, Inderpuri, Delhi), both stated to be operating from Thailand. They did not join investigation. Non-Bailable Warrants[4] were issued against both on 07.01.2025, but execution failed as their houses in Delhi were found locked. Proceedings under Section 84 BNSS were initiated on 07.02.2025.

9. A Look Out Circular was issued on 12.02.2025. Both Mayank Jain and Anchit Jain filed anticipatory bail applications on 02.04.2025 and 04.04.2025 respectively. The learned ASJ, on 15.04.2025, directed them to appear and join investigation with the mobile phones used by them for the last one year and granted interim protection. They were detained at IGI Airport when they returned from Thailand on 27.04.2025, but due to interim protection granted by the Special Court, they were permitted to leave after identification. As per the records, accused Anchit Jain did not produce the mobile phone used during the relevant period (June–October 2024) and instead produced another device used only from March 2025. He later submitted a broken phone. The prosecution asserted that CDR analysis showed no change of handset on the date he claimed to have lost his phone due to an accident in Thailand. Investigation records show that 24-hour disappearing messages were enabled on WhatsApp accounts associated with the accused during the relevant period.

10. On 01.05.2025, the High Court directed the learned ASJ to decide the pending anticipatory bail applications of both accused on 09.05.2025 or within one week thereafter. On 09.05.2025, the learned

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[4] Hereinafter "NBWs"

ASJ also recorded the statement of the Investigating Officer on oath, a step which the State asserts is legally impermissible at the anticipatory bail stage and amounts to conducting a "mini-trial".

11. On 14.05.2025, the learned ASJ granted anticipatory bail to the respondent. On 16.05.2025, Anchit Jain was formally arrested and released the same day upon furnishing bail bonds, in view of the anticipatory bail order.

12. The State thereafter filed the present petition seeking quashing and cancellation of the order dated 14.05.2025, alleging non-compliance by the accused, suppression of material facts and failure to join investigation.

Submissions on behalf of the petitioner

13. Mr. Akhand Pratap Singh, learned SPP for the State submits that the instant FIR was registered, after recovery of a massive narcotics consignment from different locations. A coordinated operation from 01.10.2024 onward resulted in recovery of 39.706 kg hydroponic marijuana and a total 1,289 kg of cocaine/mephedrone from different locations including Mahipalpur, Ramesh Nagar (Delhi) and Ankleshwar (Gujarat) .

14. During investigation, the name of Anchit Jain surfaced in the disclosure statement of co-accused Tushar Goyal, recorded on 12.10.2024, alleging that in June 2024 (20.06.2024–27.06.2024) at Phuket, Thailand, a conspiracy was hatched between Tushar, Anchit Jain, Mayank Jain, Ritik Bajaj and Virender @ Veeru for arranging supply of marijuana from Thailand to India.

15. It is further submitted that guest-register entries of witness Tilak Prasad Sharma at Grand Shobha Hotel, Mahipalpur, dated

29.08.2024–31.08.2024 and 29.09.2024–30.09.2024, corroborate that the hydroponic marijuana was delivered there after smuggling from Thailand, and that the consignment was handed over to persons associated with Mayank Jain and Anchit Jain.

16. Witness Tilak Prasad Sharma has also recorded a statement under Section 183 BNSS, specifically naming Mayank Jain and Anchit Jain as suppliers of the marijuana consignment recovered in the case. Further, co-accused Himanshu, in his disclosure, stated that on instructions of Tushar Goyal, he collected foreign marijuana from Mahipalpur, which was arranged by associates including Anchit Jain. CDR analysis shows Himanshu was near Grand Shobha Hotel on 31.08.2024, matching the timeline of delivery of contraband.

17. Call Detail Records[5] and WhatsApp data retrieved from the seized mobile phone of Tushar Goyal reveal 10 contacts/call logs with mobile number 9811989289, saved as "Anchit Phuket", which directly links the respondent to the handler abroad addressing supply and transportation of hydroponic marijuana from Thailand to India.

18. Notices under Section 67 NDPS Act were issued to Anchit Jain and Mayank Jain on 21.11.2024, but neither joined the investigation. NBWs were issued on 07.01.2025, which were not executed because their residences were found locked. Proceedings under Section 84 BNSS were initiated on 07.02.2025, again remaining unexecuted for the same reason.

19. A Look-Out Circular[6] was opened against both accused persons on 12.02.2025, as they were deliberately avoiding investigation and not obeying court directions requiring appearance before the IO. They

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[5] Hereinafter "CDRs"
[6] Hereinafter "LOC"

remain non-cooperative throughout, and never offered their working mobile phones despite repeated directions.

20. The learned ASJ, vide orders dated 15.04.2025 and 25.04.2025, granted interim protection from arrest, despite the fact that the accused never joined investigation, and despite the seriousness of the offence attracting Section 37 NDPS Act, which restricts grant of bail unless both conditions are satisfied - (i) the accused is not guilty; and (ii) is not likely to commit any offence if released. In the present case, both conditions stand unsatisfied.

21. On 28.04.2025, when directed to appear with mobile phones used in the past one year, Anchit produced a broken phone claiming it was damaged in an accident in Thailand on 27.11.2024. However, CDR analysis shows no change of handset on that date, contradicting his story and suggesting deliberate destruction of evidence to prevent recovery of incriminating data.

22. It is further submitted that the entire narcotics operation constitutes an international cartel, operating between U.K., Malaysia, Pakistan, Thailand and Dubai, and the role of Anchit Jain is active, central, and still under investigation. Custodial interrogation is essential to unearth the deeper conspiracy, money trail, foreign contacts, digital devices, and communication networks used for cross-border smuggling.

23. The learned ASJ, while granting anticipatory bail on 14.05.2025, relied primarily on purported discrepancies in the investigation, and ignored material evidence including CDRs, judicial statements, and the respondent's continued non-cooperation. This resulted in a perverse order, contrary to settled law.

24. The respondent was formally arrested on 16.05.2025 but immediately released on acceptance of bonds. The State submits that this does not cure the illegality of the bail order and does not extinguish the State's right to seek cancellation under Section 483(3) BNSS.

25. Further, the material extracted from the digital devices of co-accused Tushar Goyal contains two specific voice notes sent by Tushar to co-accused Mayank Jain on 27.06.2024, in which Tushar expressly states, *"Veeru bhai se baat ho gayi hai…"* and further instructs, *"…deliveries sambhal lena."* These voice notes, which are part of the retrieved WhatsApp data, directly reference Virender Singh Basioya @ Veeru, who is identified in the investigation as a principal handler of the international cartel.

26. The State submits that these voice notes demonstrate internal coordination between Tushar, Mayank and Veeru regarding the handling and movement of narcotic deliveries, and that they were exchanged during the same period in June 2024 when the respondent Anchit Jain was admittedly present in Phuket, Thailand, along with other accused persons. The State therefore argues that these voice notes form an important link in the chain of circumstances showing ongoing conspiracy involving the respondent.

27. The prosecution further relies on the fact that Tushar forwarded the passport photograph of Virender Singh Basioya @ Veeru to Mayank Jain. This sending of identity documentation of an international narcotics handler strongly indicates a trafficking network. While the passport image was sent to Mayank, the State submits that its relevance extends to the respondent because of his established association with Mayank in Thailand and his participation in the Phuket meetings, which were aimed at organizing the marijuana supply chain.

28. In addition to the voice notes and photograph, the WhatsApp extraction reveals that Tushar had created a WhatsApp group comprising himself, Mayank Jain, and "Hunterz Lounge London c/o Veeru." The presence of Veeru as a group member, combined with the respondent's association with Mayank and his own involvement in the Thailand-based procurement network, is relied upon by the State to show that the conspiracy operated through digital communication channels involving the syndicate's core members. Although Anchit's name does not appear as a group member, the prosecution asserts that the group's existence corroborates the communication channel used by the accused persons, within which the respondent functioned through his Thailand-based role.

29. The State relies heavily on the WhatsApp message forwarded on 31.08.2024, which originated from Veeru to Tushar, and which contained the name of Grand Shobha Hotel, Mahipalpur. Tushar, in turn, forwarded this message to co-accused Himanshu, who subsequently collected the suitcase containing hydroponic marijuana from that hotel. It is submitted that this message flow indicates a clear chain of command including that the instructions for the delivery location came from Veeru abroad, were relayed by Tushar, and executed by Himanshu. The prosecution submits that this chain directly ties into the broader conspiracy wherein the marijuana itself was allegedly arranged and dispatched from Thailand by the respondent and Mayank Jain, transported to India through conduits, and delivered through the Delhi link of the cartel.

30. It is also submitted that the learned ASJ failed to consider the statement and role of other witnesses/accused persons such as Tilak Sharma PD (nephew), whose movements provide corroborative evidence of narcotics transport from Thailand to India. The guest-register entries of the Grand Shobha Hotel for dates 29.08.2024 to 31.08.2024 and 29.09.2024 to 30.09.2024 confirm Tilak PD's stay during periods when smuggled hydroponic marijuana was brought into Delhi.

31. Further, the taxi driver Nitish Kumar, in his statement under Section 180 BNSS, confirmed that he picked up Tilak PD from the airport on both occasions and observed him carrying two suitcases upon arrival, but on departure he carried none. The State also places reliance on the statement of Tilak Prasad Sharma recorded under Section 183 BNSS, in which he stated that his nephew Tilak PD had informed him that he transported marijuana supplied by Mayank Jain and the respondent Anchit Jain from Thailand to Delhi. The prosecution asserts that this set of materials, taken collectively, forms a coherent narrative establishing that the marijuana moved through a chain starting in Thailand with the involvement of the respondent.

32. Taken together, the State submits that these voice notes, WhatsApp messages, digital extractions, hotel register records, transport, CDR logs, and inconsistent conduct relating to the production of mobile phones create a detailed, interconnected and corroborative chain of evidences, pointing to the respondent's involvement in the international narcotics conspiracy, thus justifying cancellation of the bail order and necessitating custodial interrogation.

Submissions on behalf of the respondent

33. *Per Contra*, Mr. Amit Tiwari, learned counsel for the respondent submitted that the respondent has been falsely implicated based solely on inadmissible and uncorroborated disclosure statements of co-accused persons. As held by the Hon'ble Supreme Court in ***Tofan Singh Vs. State of Tamil Nadu***[7], statements made to police officers under Section 67 NDPS Act are not admissible as evidence unless supported by independent recovery or corroboration. No such recovery from the respondent exists in this case.

34. The respondent has not been named in the charge-sheet, nor has any recovery, seizure, link document, financial transaction, or digital communication been recovered from him. Despite extensive investigation, there is no material evidence connecting him to supply, possession, transportation or financing of narcotics. His name appears only in vague and speculative allegations in disclosure statements.

35. The respondent has never misused the liberty of bail, has never absconded after grant of protection, and has not influenced or contacted any witness. The IO formally arrested him on 16.05.2025, and after due satisfaction accepted his bail bonds and released him. This itself shows the IO found no grounds to seek custody on that date.

36. The present petition is an attempt to re-argue issues already considered by the learned ASJ while granting anticipatory bail on 14.05.2025. Cancellation of bail requires supervening circumstances, such as misuse of liberty, tampering, threats, or absconding. None of

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[7] **(2021) 4 SCC 1**

these grounds exist. The State has not placed any fresh material arising after 14.05.2025.

37. As per the record, the respondent had suffered a scooter accident in Phuket on 27.11.2024, for which he was undergoing treatment. This explains why he could not join investigation immediately after receiving the first notice on 21.11.2024. At the time the notice was served, he had already left India on 17.11.2024 and was not even present in Delhi, contrary to the prosecution's suggestion of deliberate evasion.

38. The allegation that he produced a deliberately broken mobile phone is denied. The respondent had lost one phone in Thailand and another was damaged in the accident. The respondent nevertheless produced all phones in his possession as directed. The allegation that handset change was not shown in CDRs is disputed and cannot by itself justify cancellation of bail.

39. The allegation regarding guest-register entries of Tilak Sharma and his statement under Sections 180/183 BNSS is denied. The respondent has never met him, never stayed at Grand Shobha Hotel, and has no link with any delivery of contraband. The prosecution has not produced any CCTV footage, call data, travel records, messaging history or financial records showing the respondent's involvement in connection with Tilak Sharma.

40. The respondent denies the allegation of being part of any 'international cartel'. No material from the charge-sheet, including CDRs, WhatsApp chats, or bank transactions, establishes any connection with the alleged drug syndicate or foreign handlers. The prosecution has not shown any date on which the respondent allegedly received or sent contraband or directed anyone to do so.

41. The learned ASJ, while granting bail, recorded that even as per the IO's own statement, the respondent was linked only to the 39.706 kg marijuana chain and not to the 1,289 kg cocaine/mephedrone chain, and that the prosecution could not specify any date on which the alleged contraband was brought into India. This contradiction in the IO's version shows the lack of clarity in the case against the respondent.

42. The respondent has always cooperated with the investigation. He joined investigation on 28/29.04.2025 as directed, produced documents, travel records, and mobile devices. The prosecution's repeated assertion of "non-cooperation" is incorrect and contradicted by the record.

43. Bail once granted cannot be cancelled mechanically. Courts have consistently held, including in ***Dolat Ram & Ors. v. State of Harvana***[8], ***Mahant Chand Nath Yogi v. State of Haryana***[9], ***Pritpal Singh v. State of Bihar***[10], ***Myakala Dharmarajam v. State of Telangana***[11], and ***Charu Sunejav. State of NCT of Delhi & Ors.***[12] that cancellation requires cogent and overwhelming reasons and cannot be used as a forum for reconsidering the correctness of the original order.

44. The respondent submits that the two voice notes relied upon by the prosecution, containing the phrases *"Veeru bhai…" and "…deliveries sambhal lena,"* do not contain any reference to him whatsoever. These voice notes are exchanges exclusively between Tushar and Mayank, and neither mention nor allude to the respondent,

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[8] 1995 SCC (Cri) 237
[9] (2003) 1 SCC 326
[10] SLP (Crl.) No. 3994/2000, order dated 27.04.2001
[11] SLP (crl.) No. 1974-1975/2019, order dated 07.01.2020
[12] Crl MC No. 2050/2021, order dated 03.01.2022

nor do they indicate that he was aware of or involved in the operational logistics. The respondent therefore contends that the State's attempt to derive an inference of conspiracy against him from voice notes in which he is not mentioned constitutes an impermissible expansion of evidentiary value through conjecture.

45. The respondent also submits that the forwarding of the passport photograph of Virender Singh Baisoya @ Veeru is a private exchange between Tushar and Mayank, and again does not implicate him in any manner. No message was ever sent by or to the respondent in relation to this photograph.

46. The respondent further points out that the WhatsApp group created by Tushar, which included Mayank and "Hunterz Lounge London c/o Veeru," does not include the respondent as a member. He therefore submits that the prosecution's reliance on this group to suggest that he was part of the digital operational structure of the cartel is misplaced, particularly when the investigative record itself does not show his number or identity in the group.

47. Regarding the message flow involving the Grand Shobha Hotel, the respondent submits that this sequence, originating from Veeru, forwarded by Tushar to Himanshu, is entirely independent of him. There is no material showing that he either sent or received messages relating to the hotel, nor is there any evidence placing him at the hotel or connecting him to the delivery or collection of any suitcase. The respondent argues that the prosecution has not produced any CCTV footage, location data, call records, or any communication linking him with Tilak PD, the hotel, or Himanshu, and therefore the hotel-related evidence cannot be used to implicate him.

48. With respect to the statement under Sections 180/183 BNSS made by Tilak Prasad Sharma, the respondent submits that the statement is hearsay because it is based solely on what Tilak PD allegedly told his uncle. Tilak PD himself is presently lodged in Nepal jail for an unrelated offence of smuggling hydroponic marijuana, and he has not given any direct statement to Indian authorities implicating the respondent. The respondent submits that relying on hearsay allegations from a witness who does not himself have personal knowledge of the facts cannot form a basis for cancellation of bail.

49. The respondent also addresses the CDR evidence, submitting that the mere fact that Tushar's device had the respondent's number saved as "Anchit Phuket" and that there were ten calls does not imply any criminal activity. The respondent points out that the CDRs do not disclose the subject, content, or purpose of these calls, and therefore cannot establish any element of conspiracy. The respondent relies on the legal position cited in ***Deepak Nangia v. State of NCT of Delhi***[13] and ***State (by NCB) Bengaluru v. Pallulabid Ahmad Arimulta & Anr.***[14], which states that CDRs, without independent incriminating material, cannot justify adverse action such as cancellation of bail.

50. The respondent further submits that there is no evidence whatsoever demonstrating that he met or communicated with Tilak PD. No call records, messages, or statements indicate any such association, and there is no material connecting him to the movement of the suitcases or the stays at Grand Shobha Hotel. The prosecution has not produced any evidence showing that he instructed Tilak PD or that he had knowledge of Tilak PD's travel or lodging arrangements.

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[13] **Bail appl. 1716/2023**

[14] **(2022) 12 SCC 633**

51. Finally, the respondent submits that despite exhaustive extraction of digital material from various co-accused, the prosecution has not produced a single chat, voice message, image, document, transaction, or logistical detail recovered from any device that implicates him. The respondent has not been arrayed as an accused in the charge sheet, and the same underscores the absence of evidence against him. Therefore, he submits that none of the additional materials relied upon by the State justify cancellation of bail, and that the prosecution's case against him remains speculative, uncorroborated, and unsupported by substantive evidence.

52. The present petition raises no new fact, no post-bail conduct, and no allegation of misuse of liberty. It merely repeats the same allegations on which the learned ASJ has already applied judicial mind. Therefore, the respondent submits that the petition is not maintainable and deserves dismissal.

Analysis and findings

53. Heard learned counsel for the parties and perused the material on record, including the compilation of judgments.

54. The present petition assails the order dated 14.05.2025 passed by the learned ASJ, whereby anticipatory bail was granted to the respondent–Anchit Jain.

55. On a *prima facie* appraisal of the record, including the FIR, the charge-sheet, replies and the material placed as part of the present petition, what emerges is an extensive international drug trafficking enterprise functioning through two parallel supply chains, one relating to ***cocaine/mephedrone*** and the other relating to ***hydroponic marijuana*** into India.

56. The FIR arises from a large, multi-location seizure of narcotic drugs, in which 39.706 kg of hydroponic marijuana and about 1,289 kg of cocaine/mephedrone have been recovered from Delhi, Gujarat, Punjab and Mumbai, and the charge-sheet itself characterizes the case as an operation of an international drug cartel working across the U.K., Malaysia, Pakistan, Thailand and Dubai.

57. The investigation that culminated into the charge-sheet, further pending investigation, and the State's petition specifically record that alleged kingpins Virender Singh Baisoya @ Veeru and Sandip Sansar Dhunay were operating the cartel through shell/fictitious pharma entities, with digital infrastructure and email accounts traced to locations in Pakistan and Malaysia, and that the marijuana chain of 39.706 kg was sourced from Thailand and moved into India as part of this syndicate activity.

58. In so far as the respondent is concerned, his name emerges repeatedly in the material collected during investigation, including the disclosure statement of co-accused Tushar Goyal dated 12.10.2024, in the CDRs and WhatsApp extraction from Tushar's mobile phone, as well as in the statement recorded under Section 180/183 BNSS of witness Tilak Prasad Sharma regarding the role of his nephew, namely Tilak Sharma PD, in transporting marijuana supplied by the respondent and Mayank Jain from Thailand to Delhi.

59. The prosecution case, as culled from the charge-sheet and the petition, is that between 20.06.2024 and 27.06.2024 in Phuket, Thailand, a conspiracy was hatched between Tushar Goyal, the respondent Anchit Jain, Mayank Jain, Ritik Bajaj and Virender

"Veeru" for arranging the supply of ***hydroponic marijuana*** from Thailand to India, the Thailand-based leg (including the respondent) being responsible for procurement and dispatch, and the India-based leg (including Tushar, Himanshu and others) for receipt and distribution.

60. The first error that vitiates the impugned order lies in the manner in which the learned Special Judge treated this case as if it were an ordinary bail matter and not one attracting the rigors of Section 37 NDPS Act, despite undisputed recoveries of commercial quantity contraband. The order proceeds on the premise that since the respondent is linked only to 39.706 kg marijuana and not to the 1,289 kg cocaine/mephedrone, Section 37 is somehow diluted, whereas, in law, any offence under sections 20/21/29 involving commercial quantity squarely attracts Section 37 and mandates satisfaction of the twin conditions before grant of bail, including anticipatory bail. It is settled law that in cases involving commercial quantity, rigors of Section 37 NDPS Act have to be looked into, however, upon bare perusal of the impugned order, it is made out that the learned ASJ has casually referred to Section 37 in the concluding paragraph without stating as to how the rigors under the said provision stand satisfied.

61. The Hon'ble Supreme Court has repeatedly held that in NDPS cases involving commercial quantity, the Court must record a positive satisfaction that there are reasonable grounds for believing that the accused is not guilty and is not likely to commit an offence while on bail, and mere absence of direct recovery from the accused or perceived infirmities in investigation cannot, by themselves, justify the grant of bail. The impugned order does not record any such satisfaction on the material against the respondent, instead, it dilutes the statutory mandate on the strength, thereby reversing the burden implicit in Section 37.

62. At this stage, the Court is not required to reach a definitive conclusion on guilt, nor to assess whether the Phuket disclosures or the voice notes would, by themselves, sustain a conviction. The limited aspect to be looked at under Section 37 NDPS Act is whether there are reasonable grounds to believe that the respondent is not guilty, and this Court finds that the Phuket-CDR-WhatsApp matrix falls far short, thereby, not satisfying the rigors of Section 37 NDPS Act. The impugned order dated 14.05.2025 proceeds, *inter alia*, on the premises that –

a. The respondent is linked only to the 39.706 kg marijuana chain and not to the larger 1,289 kg cocaine/mephedrone chain;

b. His identity is in "dispute" because Tushar's disclosure initially referred to "Anchit Singhal";

c. There is "no connectivity" beyond WhatsApp chats and no financial transaction linking him to co-accused; and

d. CDRs and digital traces, in the absence of independent recovery, cannot justify denial of anticipatory bail, thereby treating the case as one of tenuous suspicion rather than a serious, ongoing conspiracy.

63. This Court finds that the learned ASJ failed to appreciate that the 39.706 kg hydroponic marijuana, by itself, constitutes a commercial quantity squarely attracting Section 20(c) NDPS Act and, consequently, the rigors of Section 37, and that once the prosecution placed before the Court the CDRs, WhatsApp data, Thailand-based meeting, judicial statements under Sections 180/183 BNSS and the respondent's own non-cooperation regarding his phone, the learned

ASJ ought not to have treated the case as lacking connectivity with the respondent in light of Section 37.

64. Section 37 NDPS Act mandates that in cases involving commercial quantity, no person shall be released on bail unless the Court is satisfied that there are reasonable grounds to believe that the accused is not guilty of such offence and is not likely to commit any offence while on bail. Further, the Hon'ble Supreme Court has consistently held that these are cumulative, negative conditions which impose a higher threshold and a restrictive approach, particularly in serious narcotics offences and complex conspiracies.

65. In the present case, the impugned order does not undertake the requisite Section 37 analysis at all. It neither records any satisfaction that there are reasonable grounds to believe that the respondent is not guilty, nor addresses the likelihood of his refraining from committing further offences, but instead focuses on perceived gaps in the investigation, purported weaknesses in the prosecution case and reliance on case law where CDRs alone were held insufficient.

66. Moreover, the learned ASJ appears to have misdirected himself by treating the absence of direct recovery and financial trail as determinative at the pre-trial stage, overlooking that offences under Sections 20(c), 27A and 29 NDPS Act often rest on conspiratorial liability, facilitation and participation in organized trafficking, which can be established through circumstantial and digital evidence such as CDRs, encrypted communications, travel records and judicial statements, without each conspirator being found in physical possession of contraband or funds.

67. The CDR and WhatsApp data retrieved from Tushar's phone show over 10 contacts/call logs with mobile number 9811989289 (saved as Anchit Phuket) and around 600 contacts/call logs with Mayank Jain's Thai number 66961145467. The frequency, timing and labelling of these contacts, read with the Thailand meeting period, support the investigating agency's case that the respondent was a known Thailand - based associate of Virender Baisoya engaged in operational communications rather than an isolated or accidental contact.

68. The State further points to two specific voice notes, contending that these digital trails, temporally aligned with the Phuket meeting dates and the respondent's presence with the group in Thailand, form part of the evidentiary chain connecting him to the international marijuana-supply conspiracy.

69. The same digital extraction shows two voice notes sent by Tushar to Mayank on 27.06.2024 referring to "Veeru bhai" and asking that "deliveries" be handled, the forwarding of Virender Baisoya's passport photograph by Tushar to Mayank, and the creation of a WhatsApp group including Tushar, Mayank and "Hunterz Lounge London c/o Veeru", all of which, though not naming the respondent directly, occur precisely within the time-frame when he is admittedly in Phuket with these very actors and thereby lend circumstantial support to the prosecution narrative of a coordinated, international syndicate.

70. The further chain of circumstances around the actual 39.706 kg marijuana consignment includes: (i) guest register entries at Grand Shobha Hotel, Mahipalpur, showing Tilak PD's stays on 29.08.2024–31.08.2024 and 29.09.2024–30.09.2024, (ii) CDR-based location of co-accused Himanshu Kumar near the hotel on 31.08.2024 when he allegedly collected the hydroponic marijuana on Tushar's instructions, and (iii) the taxi driver Nitish Kumar's statement under Section 180 BNSS that Tilak PD arrived with two suitcases and departed without them, thereby corroborating the physical movement of contraband from Thailand into the Delhi leg of the cartel.

71. Critically, Tilak Prasad Sharma's statements recorded under Sections 180 and 183 BNSS records that his nephew, Tilak Sharma PD, informed him that he was transporting marijuana, supplied to him by Mayank Jain and the respondent from Thailand to Mahipalpur, Delhi. It has been recorded that he accompanied his nephew to Thailand, where a person handed over two trolley bags to his nephew Tilak PD and that when he asked his nephew to whom the bags belong to, he responded that the same belongs to Mayank, Anchit and Ritik.

72. Further narration of events also show that after receiving the bags, both Tilak Prasad Sharma and his nephew travelled to Nepal through Sri Lanka. Following which, upon arrival at Nepal, nephew Tilak was caught upon checking by the police there and the other Tilak Prasad Sharma (uncle) met another person outside the airport who took the bags from him, and gave him a sum of 7,000/- (in Nepal currency).

73. Though the respondent contests this as hearsay, the said statement is judicially recorded which, at the present stage, adds a further link in the evidentiary chain connecting the Thailand suppliers (including the respondent) to the specific 39.706 kg marijuana recovery. With regards to the same, this Court is of the considered view that the said contention of terming the statement of Tilak Prasad Sharma as hearsay cannot be accepted as he was present at the hotel where the exchange of bags took place and his narration shows that he was a witness to the handing over of the bags that contained the contraband.

74. As regards the Phuket meeting, the prosecution relies on the disclosure of co-accused Tushar Goyal, recorded on 12.10.2024, to allege that between 20.06.2024 and 27.06.2024 at Phuket, Thailand, a conspiracy was hatched among Tushar, the respondent Anchit Jain, Mayank Jain, Ritik Bajaj and Virender "Veeru" to arrange supply of hydroponic marijuana from Thailand to India, with the Thailand-based accused arranging procurement and the Indian leg undertaking reception and distribution. This narrative is sought to be corroborated by CDR analysis and WhatsApp extraction from Tushar's seized mobile phone, which show more than 10 contacts/call logs with the respondent's number 9811989289 saved as "Anchit Phuket", alongside about 600 contacts/call logs with Mayank Jain's Thai number 66961145467, during the broader period when the respondent was admittedly residing and working in Thailand and is said to have met the co-accused in Phuket.

75. This Court is of the view that the Phuket meeting, as presented by the prosecution, cannot be treated in isolation as a bare disclosure under Section 67 NDPS Act, but has to be evaluated in conjunction with the independent digital and circumstantial material now placed on record.

76. The CDR pattern showing repeated contacts with the respondent's number saved as "Anchit Phuket", the extensive connectivity with Mayank Jain's Thai number, and the undisputed fact that the respondent was residing and working in Thailand and moved in the same circle during the relevant period, together form *prima* *facie* corroboration to the allegation that a Thailand-based leg of the conspiracy existed and that the respondent was not a stranger to it.

77. Likewise, although the two voice notes and the WhatsApp do not name the respondent, their timing, content and participants (Tushar, Mayank and Veeru), when superimposed on the Phuket timeline and the respondent's acknowledged association with Mayank in Thailand, strengthen the overall chain of circumstances pointing towards an organized, transnational marijuana-supply arrangement in which the respondent is alleged to have played a role.

78. When these materials are read with the guest register entries, the taxi-driver's statement, the Sections 180/183 BNSS statement naming the respondent as a Thailand-based supplier, and the respondent's own conduct regarding his handset, the conclusion is that the Phuket meeting and associated digital trails do form a significant *prima facie* link in the evidentiary chain, and that the learned ASJ erred in downplaying their relevance while granting anticipatory bail.

79. On the procedural side, notices under the NDPS Act were issued to the respondent and Mayank Jain on 21.11.2024, but neither joined investigation at that stage. NBWs were thereafter issued on 07.01.2025, returned unexecuted as their houses were found locked, leading to proclamation proceedings under Section 84 BNSS from 07.02.2025 and issuance of a LOC on 12.02.2025, which together depict a pattern of non-cooperation and evasion until their eventual detention at IGI Airport on 27.04.2025.

80. When the learned ASJ, on 15.04.2025, directed the respondent to appear with the mobile phone used by him for the last one year, the record shows that he did not produce the operative device used during the crucial June–October 2024 period and instead furnished a different handset (used only from March 2025) and subsequently a broken phone, claiming that his earlier phone was damaged in a scooter accident in Phuket on 27.11.2024. However, the CDR/IMEI analysis recorded in the charge-sheet and petition reflects no change of handset between 08.11.2024 and 21.03.2025, thereby casting serious doubt on the respondent's explanation and reasonably suggesting deliberate withholding or destruction of relevant digital evidence.

81. A common defense has been put forth by both accused persons, namely, Anchit Jain and Mayank Jain, regarding the unavailability of their mobile phones during the relevant period. While accused Anchit Jain has claimed that his phone got damaged in an accident, co-accused Mayank Jain has stated that his device was lost. This coincidence in their respective explanations raises serious doubts regarding the veracity of their claims and the possibility of deliberate suppression or destruction of material evidence cannot be ruled out at this stage.

82. The respondent seeks to explain his non-appearance and non-production of the relevant device by relying on his accident in Thailand, medical treatment and loss/damage of phones, but these explanations stand contradicted by the CDR/IMEI analysis and by the undisputed fact that WhatsApp disappearing messages had been enabled on the relevant accounts, which, when taken together, draws a strong inference of an attempt to frustrate the investigation rather than mere non-compliance.

83. The respondent also relies on the absence of direct recovery from him, his name not being arrayed as an accused in the charge-sheet and the Hon'ble Supreme Court's ruling in ***Tofan Singh (Supra)*** on the inadmissibility of confessional statements under

Section 67 NDPS Act, to contend that the case against him rests on inadmissible disclosures and weak circumstantial material. However, at the stage of anticipatory bail and cancellation, what is required is a *prima facie* satisfaction based on the totality of incriminating circumstances, and not conclusive proof of guilt beyond reasonable doubt.

84. The approach of discounting the evidentiary value of CDRs and WhatsApp data at the anticipatory bail stage, by invoking decisions where such material was considered insufficient in isolation, is also legally flawed in the present factual context, because here the CDRs and digital extractions are not the sole incriminating factors but operate in conjunction with (i) the Phuket conspiracy period, (ii) the statements of Tilak Prasad Sharma recorded under Section 180 and 183 of the BNSS, (iii) the hotel-stay and taxi-driver evidence, and (iv) the respondent's conduct in relation to his devices, forming a connected matrix of circumstances pointing towards his role in the marijuana chain.

85. The impugned order further suffers from a mischaracterization of the respondent's identity issue. The mere initial mention of "Anchit Singhal, when weighed against the consistent reference to "Anchit Phuket" in Tushar's phone, the admitted presence of the respondent with the group in Phuket in June 2024, his shared employment history with Mayank Jain in Thailand and the absence of any real dispute about his Thailand residence and connectivity, could not legitimately justify treating identity as "in dispute" to such an extent as to neutralize Section 37.

86. The learned ASJ's decision to record the Investigating Officer's statement on oath on 09.05.2025 and to rely substantially on perceived inconsistencies in that oral testimony, while deciding the anticipatory bail, effectively converted the proceedings into a mini-trial and shifted focus from the statutory factors under Section 37 and the objective material in the case diary to an adversarial evaluation of the IO's answers, an approach which is alien to bail jurisdiction and contrary to settled principles that the Court should avoid detailed appreciation of evidence at this stage.

87. The respondent argues that since the IO formally arrested him on 16.05.2025 and released him on bail bonds in compliance with the anticipatory bail order, there is no ground for cancellation in the absence of post-bail misuse, however, where the original grant of anticipatory bail itself suffers from non-consideration or misapplication of mandatory statutory restrictions such as Section 37 and from ignoring material showing non-cooperation and tampering, High Court is not precluded from setting aside such an order in exercise of its inherent/supervisory jurisdiction, even if no subsequent act is shown.

88. In a recent judgment, the Hon'ble Supreme Court's judgment in ***Ashok Dhankad v. State (NCT of Delhi)***[15] addresses the principles governing the grant and cancellation of bail, especially in cases involving grave offences. The Hon'ble Court reiterated that bail is a discretionary judicial remedy requiring a careful balance between individual liberty and the interests of justice. While personal liberty is a constitutional value protected under Article 21, it must not be interpreted in a way that undermines the seriousness of heinous crimes or erodes public confidence in the justice system. The Court emphasized that liberty and societal order must coexist, and therefore, judicial discretion in bail matters must be exercised with due regard to the nature and gravity of the offence, the prima facie evidence, the likelihood of tampering with witnesses or evidence, and the necessity to ensure a fair trial.

89. A recent judgment of the Hon'ble Supreme Court, passed in ***State of Karnataka v. Sri Darshan***[16]***,*** summarizes the principles mentioned in the preceding paragraphs. It states that bail orders must indicate *prima facie* reasons when granting bail, the Court must not decide the full merits, and discretion must be exercised in light of nature and gravity of offence and other contextual facts. Orders bereft of cogent reason can be set aside. It further notes that the court adjudicating upon a bail application, if undertakes an assessment of the aspects mentioned hereinabove, amounts to a premature appreciation of the probative value of prosecution evidence.

90. In particular, the consistent line of authorities, as mentioned in the above paragraphs, distinguishes between (i) cancellation of bail for post-bail misconduct, and (ii) setting aside a perverse or illegal bail order that ignores relevant material or misapplies binding statutory constraints, and in the latter category, the absence of supervening events does not insulate the impugned order from correction, especially where the offence involves a commercial quantity of narcotics and an alleged international syndicate.

91. The respondent's reliance on ***Tofan Singh (Supra)*** and allied decisions to argue that disclosure statements and Section 67 material cannot be used against him is noted.

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[15] **2025 SCC OnLine SC 1690**

[16] **2025 SCC OnLine SC 1702**

92. Yet, at this stage, the Court is not treating such disclosures as substantive proof of guilt but as one part of a broader *prima facie* picture, supported and corroborated by independent digital, travel and witness-statement evidence, sufficient to negate the satisfaction required under Section 37 for the grant or continuation of anticipatory bail.

93. It is pointed out that letters have been sent to Interpol and other agencies, nearly 100 witnesses/suspects remain to be examined, voluminous electronic data exceeding 1 TB extracted from various mobile phones are still being analyzed, and financial investigation of firms such as Pharma Solution Services, RM Biochem, Life Saver Pharma and Indian conduits is ongoing, all of which, according to the State, directly bears on the respondent's culpability as one of the Thailand-based participants.

94. Likewise, the argument that CDRs and WhatsApp data, in the absence of financial transactions and direct chats naming contraband, cannot justify cancellation of bail, cannot be accepted in a mechanical manner, because the very nature of organized narcotics trafficking, especially across borders, implies layered, coded communication, and the law does not require that conspirators label their interactions as "drug" related in order for circumstantial evidence to attain probative worth at the stage of assessing reasonable grounds under Section 37.

95. The respondent's primary defence rests on characterizing the material as "inadmissible disclosure" and "hearsay", and on asserting that in the absence of personal recovery, financial trail or completed foreign verification, no reasonable ground exists to deny him anticipatory bail. This broad-brush approach ignores the settled distinction between evidentiary admissibility for purposes of conviction at trial, and the *prima facie* evaluative standard applicable at the stage of bail, especially under Section 37 where the Court must consider the totality of circumstances, including confessional statements, CDRs, travel records, hotel registers and the accused's own conduct to assess whether a strong nexus to the conspiracy is shown.

96. The respondent's attempt to characterize the material relating to Tilak Sharma and his uncle, Tilak Prasad Sharma, as hearsay at this stage cannot be accepted. The record reflects that guest-register entries of Grand Shobha Hotel, Mahipalpur, coupled with the CDR-based location of co-accused Himanshu Kumar and the statement of taxi driver Nitish Kumar under Section 180 BNSS, corroborate the movement of suitcases corresponding with the alleged delivery of hydroponic marijuana. When Tilak Prasad Sharma's judicially recorded statement under Section 183 BNSS is read in this backdrop, wherein he recounts that his nephew disclosed transporting marijuana supplied by Mayank Jain and the respondent from Thailand to Delhi, it forms one further link in an already corroborated chain of circumstances and cannot, at the bail stage, be discarded as sheer hearsay, and that the said argument is a matter of trial.

97. At this stage, the Court is not required to rule on the ultimate admissibility or probative weight of the conversation between the two Tilaks, or to decide whether it would by itself sustain a conviction. The conversation in question is not a standalone, untested allegation but is anchored in contemporaneous objective material such as hotel registers, CDR analysis placing co-accused near the hotel at the relevant time, and the observed movement of luggage consistent with the prosecution narrative. Whether any portion of Tilak Prasad

Sharma's account is ultimately to be treated as hearsay, and with what evidentiary consequence, is intrinsically a matter for trial and cross-examination, and at the present stage, the Court is concerned only with the existence of a *prima facie* chain, to which this material demonstrably contributes.

98. The assertion that the respondent was doing a legitimate job in Thailand in the hospitality sector, and that he voluntarily travelled to India between 08.11.2024 and 17.11.2024, does not, by itself, negate the prosecution case or satisfy the Court under Section 37, particularly when the same material shows that he did not present himself for investigation during that visit, that his notices under Section 67 were not complied with from Thailand, and that his later explanations about phone damage are contradicted by CDR/IMEI data analysis.

99. The investigation, as borne out from the charge-sheet, remains incomplete and pending in respect of significant facets, including - (i) retrieval and forensic analysis of all relevant digital data from devices linked to the respondent and Mayank Jain; (ii) full mapping of the Thailand-India supply route and the financial trail, including any use of crypto-currencies such as USDT; as alleged and (iii) further examination of Tilak PD, who is state to be in custody in Nepal at present, and other foreign-based conduits, all of which justify the investigative agency's request for custodial interrogation and militate against the grant or continuation of anticipatory bail.

100. The learned ASJ's reliance on decisions like ***Deepak Nangia (Supra)*** and ***Pallulabid Ahmad Arimutta (Supra)*** to dilute the impact of CDRs and digital material is misplaced in the present factual matrix, because those decisions turned on the near-total absence of any other incriminating link against the accused, whereas here, the respondent's alleged role is embedded in a substantially documented pattern of meetings, communications, movements of couriers and deliberate obstruction of digital evidence.

101. Taking together the magnitude of the narcotics recovered; the international character of the syndicate; the specific attribution of the 39.706 kg marijuana chain to the Thailand-based respondent and his associate; the CDR/WhatsApp connectivity with Tushar and Mayank; the Grand Shobha Hotel and taxi-driver evidence; the Section 183 BNSS statement of Tilak Prasad Sharma; and the respondent's conduct regarding his mobile phone, and non-compliance with process until compelled, this Court is of the view that there is sufficient material on record to hold a *prima facie* view that the respondent is involved in the alleged offence.

102. The prosecution specifically asserts that investigation is still pending *qua* the respondent, emphasizing that cross-border and financial enquiries, forensic investigation pertaining to devices and examination of several foreign associates are incomplete, and that the respondent's exact role in the Thailand – India supply chain, money trail, and digital communication network remains under active probe.

103. The cumulative effect of the above circumstances, viewed through the prism of Section 37 NDPS Act and the settled legal position on anticipatory bail in grave narcotic cases, demonstrates that the impugned order dated 14.05.2025 deserves to be set aside for overlooking/ ignoring the mandatory statutory rigors, misappreciation and disregard of material connecting the respondent to an international drug syndicate.

104. In the context of an international narcotics syndicate operating across multiple jurisdictions, it is imperative that the investigating agency be afforded adequate liberty to trace the full contours of the conspiracy, including its foreign leg, financial channels and communication networks. The material on record itself shows that the cartel is stated to operate between the U.K., Malaysia, Pakistan, Thailand and Dubai, and that letters have been addressed to Interpol and other agencies, with nearly 100 witnesses or suspects yet to be examined and over 1 TB of electronic data still undergoing forensic scrutiny. In such circumstances, the impugned order seems to be passed prematurely, on the strength of a narrow appreciation of the evidence which would seriously impede the investigation, particularly when the allegation is of an ongoing cross-border operation in which the respondent is alleged to be part of the Thailand-based supply chain for the 39.706 kg hydroponic marijuana consignment.

105. Consequently, this Court holds that the State has made out a case for interference. Thus, the instant petition is allowed, the impugned order dated 14.05.2025 granting anticipatory bail to the respondent in FIR No. 455/2024, PS Special Cell, is set aside.

106. Accordingly, the petition stands disposed of along with the pending application(s), if any.

AJAY DIGPAUL, J.

DECEMBER 19, 2025/ar/ryp