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

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**BAIL APPLN. 2219/2025 & CRL.M.A. 17961/2025**

**RAJ KUMAR @ SUNNY SHISODIYA** .....Petitioner

Through: Ms. Sakshi Sachdeva,  
Adv.

versus

**THE STATE OF NCT OF DELHI** .....Respondent

Through: Ms. Richa Dhawan, APP  
for the State.

Insp. Sandeep Tushir, NR-  
II, Crime Branch, Sec-18,  
Rohini.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

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**04.07.2025**

1. The present application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking grant of pre- arrest bail in FIR No. 287/2022 dated 12.12.2024 for offences under Sections 20/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act'), registered at Police Station Crime Branch.

2. The applicant apprehending arrest, filed an application seeking grant of pre-arrest bail under Section 482 of the BNSS on an earlier occasion, before the learned Additional Sessions Judge (ASJ), Rohini Courts, Delhi which was dismissed by the learned ASJ by order dated 28.05.2025.

3. Brief facts of the case are that on 11.12.2022 at around 10pm, a Bolero car bearing No. DL-8C-BB-0863 suspiciously stopped on the service road near Sector 10-11 Rohini Road, Delhi, and the driver namely– Lakshay Jaggi was seen by the

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Police team, getting in and out of his car in an unusual manner. On account of this suspicious activity, accused Lakshay Jaggi was apprehended which led to the recovery of 54 small glass bottles of Tetrahydrocannabinol ('THC') weighing 648 gms in total, 52 gms of Ganja.

4. During interrogation, the accused Lakshay Jaggi disclosed that one person namely– Pankaj Dawar used to supply the contraband to him. Accused Pankaj Dawar was apprehended on 14.12.2022, who admitted that he sourced the contraband with the help of one Udit Maratha from some foreign nationals and got the consignment cleared from Foreign Post Office ('FPO') through the applicant.

5. During the course of investigation, the applicant was found to be working at the FPO since 2016, as an outsourced worker on daily wages. There was Call Detail Record connectivity between the mobile number of the applicant, that is, 9211578233 and that of the accused Pankaj Dawar (7569555555). Moreover, certain conversations have been extracted between the applicant and accused Pankaj Dawar.

6. The learned counsel for the applicant submits that the petitioner is an innocent person with clean antecedents and has no nexus with the commission of offence in the present case.

7. She submits that the applicant has already admitted that he knew the accused Pankaj Dawar from before and that the chats and the CDR connectivity shown by the prosecution does not disclose the commission of the alleged offence.

8. She submits that no recovery has been effectuated at the instance of the applicant and that the co-accused persons namely– Lakshay Jaggi, Pankaj Dawar, Vineet Pal Singh and Udit Maratha have already been granted default bail.



9. She further relied on various orders of this Court in support of her contention that in the absence of any recovery from the applicant, he cannot be subjected to custodial interrogation, merely on the basis of CDR and disclosure statements.

10. *Per contra*, the learned APP for the State vehemently opposes the grant of any relief to the applicant and submits that the investigation regarding the role of the applicant is yet to be completed. She submits that despite three notices on different occasions, the applicant has failed to join the investigation.

11. I have heard the counsel for the parties.

12. The Investigating Officer is present in Court with the Case Diary.

13. I have perused the disclosure statement of the accused Pankaj Dawar. It has been specifically confessed that when his work was not doing well, he decided to get into the business of supplying foreign drugs. He has stated that in this regard he came to know the applicant who used to work in the FPO and helped him to clear the consignment, for which he would get ₹50,000/- per consignment, as commission.

14. In response to the notice issued by the prosecution, the Department of Posts, FPO, CIG Marg, New Delhi has confirmed that the applicant is working at the FPO as an outsourced worker on daily wages for the last 9 years. The CDR connectivity between the accused Pankaj Dawar and the applicant reveals that they have contacted each other 107 times in the year 2021 to 2022.

15. Serious allegations have been made that the applicant is the one who has been clearing the consignment of contraband through his position at the FPO, and the same was eventually



procured by the accused Laksavaggi, from whom the recovery has been effectuated.

16. It is also pertinent to note that three notices under Section 67 of the NDPS have been served upon the applicant on 30.04.2025, 02.05.2025 and 08.05.2025, however, the applicant has failed to join the investigation.

17. Even though it appears that there is some lapse in the investigation conducted as the statement of the accused Pankaj Dawar was already recorded in 2022, such a lapse should not come to the aid of the accused. Considering the conduct of the applicant in not cooperating with the investigation, this Court is of the opinion that custodial interrogation of the applicant ought not to be denied to the investigating authority.

18. It is settled law that the custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the CrPC [***State v. Anil Sharma : (1997) 7 SCC 187***].

19. It is also well settled, that the power to grant a pre-arrest bail is extraordinary in nature and is to be exercised sparingly. The Hon'ble Apex Court in ***Anarul SK v The State of West Bengal : SLP (Crl) No. 12621/2024***, observed that the grant of pre-arrest bail in cases involving NDPS Act is a serious issue, and directed the State to consider filing an application for cancellation of the pre-arrest bail granted even to the co-accused persons. Crimes related to narcotics have a widespread impact on society, and the police must be afforded the opportunity to conduct a thorough investigation. Thus, pre-arrest bail cannot be granted in a routine manner. I am convinced that if the applicant is granted such an order prior to his interrogation, it would significantly hinder the investigation and would also be

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detrimental to the public interest.

20. Granting pre-arrest bail to the applicant would undoubtedly impede further investigation. An order of bail cannot be granted in a routine manner so as to allow the applicant to use the same as a shield. Police ought to be given some play in the joints to conduct investigation.

21. Considering the aforesaid discussion, this Court is of the opinion that no case is made out for grant of pre-arrest bail to the applicant.

22. The present application is accordingly dismissed.

23. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

**AMIT MAHAJAN, J**

**JULY 4, 2025**