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

+ **BAIL APPLN. 2280/2025**

PRABHJIT SINGH

.....Petitioner

Through: Mr. Amit Chadha, Sr. Adv. alongwith
Mr. Amit Gupta, Mr. Vivek Kumar,
Mr. Atin Chadha, Ms. Munisha
Chadha, Mr. Harjas Singh Chhatwal,
Mr. Dhruv Tomar, Advocates

versus

STATE (GOVERNMENT OF NCT OF DELHI)Respondent

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

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
19.12.2025

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1. By way of the present application, the applicant seeks grant of regular bail in FIR bearing No.172/2021, registered at Police Station Special Cell, New Delhi for the commission of offences punishable under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').

2. Brief facts of the case are that on the basis of secret information, on the intervening night of 05.07.2021, accused Rizwan was apprehended at Ghitorni, Delhi, while travelling in a vehicle bearing No. DL-12SP-1160, from whose dickey 1.17 kg of heroin was recovered. Pursuant to his disclosure, accused Gurpreet and Gurjot were apprehended at Sector-65, Faridabad, Haryana, from whose vehicles recoveries of 168.5 kg and 116 kg



of heroin respectively were effected. Further, at their instance, 75 kg of heroin was recovered from Flat No. 402, NSG CGHS Ltd., Sector-65, Faridabad. Accused Rizwan had thereafter disclosed the involvement of accused Hazrat, who was apprehended from Village Jharsa, Gurugram, and from whose possession 1.99 kg of heroin was recovered on 08.07.2021. At the instance of accused Rizwan and Hazrat, a search was conducted at House No. 182, Ghitorni, Delhi, resulting in the recovery of chemicals including hydrochloric acid, liquid ammonia and dextromethorphan, allegedly used in the preparation of heroin. On further disclosures, one accused Ramandeep was apprehended from Beas, Amritsar, Punjab, and 210 grams of heroin was recovered at his instance on 01.08.2021. The accused Ramandeep had disclosed the involvement of one accused Navpreet, and a factory at Rajpura; documents pertaining to Navpreet were recovered from Ramandeep. Accused Gurpreet and Gurjot further disclosed the involvement of a factory at Shivpuri, pursuant to which accused Hardev, Manjeet and present applicant/ accused Prabhjeet—already in custody in a DRI case—were shown arrested. During the course of investigation, it was revealed that the said accused persons were part of an organised narcotic syndicate involving financial transactions, rented godowns, import of contraband, and use of encrypted mobile phones, which were recovered during investigation. Upon completion of investigation, a charge-sheet and a supplementary charge-sheet were filed against the accused persons.

3. The learned senior counsel appearing on behalf of the present applicant/accused contends that the applicant has been falsely implicated in the present case and that no recovery of any contraband has been effected from his possession. It is submitted that the prosecution case against the



applicant rests solely on the disclosure statements of co-accused persons, which, by themselves, have no independent evidentiary value and cannot form the basis of continued incarceration. It is further argued that the applicant has been in judicial custody since 17.07.2021 and has already undergone a substantial period of incarceration without the trial reaching any meaningful conclusion. The learned senior counsel submits that the prosecution has cited as many as 64 witnesses, and in the given circumstances, the trial is unlikely to conclude in the near future. On these premises, it is urged that the prolonged custody of the applicant, coupled with the absence of any recovery from him and the lack of independent witnesses, entitles the applicant to the benefit of bail. It is contended that the rigours of Section 37 of the NDPS Act stand sufficiently diluted in the present case on account of inordinate delay in trial, thereby justifying the grant of bail to the applicant.

4. The learned APP for the State, on the other hand, opposes the present bail application and submits that the case pertains to a well-organised narcotics syndicate involving importation of contraband into India. It is argued that the narcotic substance recovered during the investigation was imported into the country on the strength of import/export certificates issued in the name of *Sandhu Export*, which is held and controlled by the present applicant/accused. It is further contended that the investigation has revealed the active involvement of the applicant, including his visit to the godown of Jitender Shivhare and meetings with him in Madhya Pradesh, which establishes his direct link with the procurement, storage, and movement of the contraband. The learned APP submits that the narcotic substance was imported under the guise of legitimate consignments such as fertilisers and



dry fruits, thereby demonstrating the sophisticated and clandestine manner in which the offence was committed. It is urged that the material collected during investigation *prima facie* discloses the applicant's complicity in the offence and that the statutory embargo contained under Section 37 of the NDPS Act squarely applies. In view of the gravity of the offence, the commercial quantity involved, the learned APP prays that the present application for bail be rejected.

5. This Court has **heard** arguments addressed on behalf of the applicant and the State, and has perused the case file.

6. From the materials placed on record, it is pertinent to note that no recovery of any narcotics substance has been effected either from the possession of the present applicant/ accused or at his instance. The prosecution case against the applicant/ accused rests primarily on the disclosure statements of co-accused persons. In the present case, the prosecution has not been able to *prima facie* point out any recovery, incriminating document, or other material directly linking the applicant with the alleged recoveries effected from the co-accused.

7. This Court further notes that in the present case, the present applicant/ accused has been in judicial custody since 17.07.2021, and has thus undergone incarceration for a period of about four years and five months. The prosecution has cited as many as 64 witnesses, and there is no likelihood of the trial concluding in the near future.

8. This Court further notes that the investigation in the present case stands concluded and the charge-sheet as well as the supplementary charge-sheet have already been filed. The applicant is no longer required for custodial interrogation or further investigation, and therefore, the possibility



of the applicant influencing the course of investigation does not arise. It is further noted that the applicant has maintained satisfactory jail conduct during the period of his incarceration, which also weighs in his favour.

9. Considering the aforesaid facts and circumstances of the case and the fact that no recovery has been effected from the applicant, there is no independent incriminating material linking him to the alleged offence, and the case against him is based largely on disclosure statements and that he has already undergone prolonged incarceration for a substantial period this Court is inclined to grant regular bail to the applicant, on his furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
 - ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
 - iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
10. Accordingly, the present bail application stands disposed of.
11. Nothing expressed hereinabove shall tantamount to an expression of



opinion on the merits of the case.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
DECEMBER 19, 2025/zp/GJ