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

\+ **<u>CRL.M.C. 4208/2025 & CRL.M.A. 18342/2025</u>**

STATE (GOVT. OF NCT) OF DELHI .....Petitioner

Through: Mr. Tarang Srivastava, APP. Inspector Ritesh and ASI Ritesh, Anti Narcotics, Square Outer Distt, P.S. Sultanpuri.

versus

DEEPA SINGH .....Respondent

Through: Mr. Rahul Sharma, Mr. Utkarsh Jaiswal, Mr. Pradeep Chaturvedi and Mr. Gyan Ranjan Kashyap, Advocates.

\+ **<u>CRL.M.C. 4211/2025 & CRL.M.A. 18347/2025</u>**

STATE (GOVT. OF NCT) OF DELHI .....Petitioner

Through: Mr. Tarang Srivastava, APP. Inspector Ritesh and ASI Ritesh, Anti Narcotics, Square Outer Distt, P.S. Sultanpuri.

versus

ANURADHA @ CHIKU .....Respondent

Through: Mr. Rahul Sharma, Mr. Utkarsh Jaiswal, Mr. Pradeep Chaturvedi and Mr. Gyan Ranjan Kashyap, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% **14.07.2025**

1. The present petitions filed under Section 483(3) of the Bharatiya

Nagarik Suraksha Sanhita, 2023 (formerly Section 439(2) of the Code of Criminal Procedure, 1973[1]) impugns separate orders dated 13th June, 2025[2] in BAIL APPLN. 1191/2025 and BAIL APPLN. 1192/2025 passed by ASJ, North West Rohini Court, granting anticipatory bail to the Respondents. The said decisions have been passed in proceedings arising out of FIR No. 186/2025 registered under Sections 21(c)/22(B)/29 of the Narcotic Drugs and Psychotropics Substances Act, 1985 and Section 111 of the Bharatiya Nyaya Sanhita, 2023 at P.S. Sultanpuri.

2. In compliance with the directions of the Court, reply on behalf of the Respondents handed over across the Board, is taken on record.

3. Considering that the reasoning given in the impugned orders for granting pre-arrest bail is identical in both the petitions and that the grounds urged by both sides are also common, it is considered appropriate to decide the instant petitions by way of a common order.

FACTUAL MATRIX

4. Briefly, the case of the prosecution is as follows:

4.1. The Respondents in the present petitions, Anuradha @ Chiku and Deepa Singh, are sisters who stand implicated in the afore-mentioned FIR, along with their brother, Amit (co-accused), and their mother, Kusum (co-accused). On 10th March, 2025, confidential information was received by SI Ankur that Amit, along with his mother Kusum, was engaged in operating a narcotics business, employing workers to sell heroin on their behalf. The informant further disclosed that Amit and Kusum had secured their residence at E-4/13, Sultanpuri, Delhi, with metal gates and CCTV

[1] "Cr.P.C"
[2] "the impugned orders"

surveillance. It was also reported that Amit would be travelling in his vehicle from Mangolpuri Flyover to his residence in Sultanpuri between 4:30 PM and 5:30 PM, carrying heroin. Acting on this intelligence, a raiding party was constituted and the suspected vehicle was intercepted near Mangolpuri Flyover. The driver, introducing himself as Ajay and identifying as Amit's brother, confirmed that Amit was present at his residence and offered to lead the police team there. At around 6:00 PM, the police team reached E-4/13, Sultanpuri, where Amit was found. A notice under Section 50 of the NDPS Act was served upon him, however, he declined to be searched before a Magistrate or a Gazetted Officer. Upon conducting a search of his person and clothes, no narcotics were recovered. A subsequent search of the premises led to the recovery of 11 packets of heroin weighing 383.53 grams including packaging, which amounted to 352.46 grams net weight. Additionally, 10 strips of Tramadol tablets and certain indigenous Ayurvedic medicines were also recovered; the total weight of the Tramadol capsules was 47.09 grams. During the search, besides Amit, three other individuals, namely Ajayjeet, Lekhraj @ Gannu, and a woman named Shivani who were also present were searched on site. Thereafter, Amit was apprehended, the present FIR was registered and investigation commenced.

4.2 During the course of investigation, disclosure statement of Amit, was recorded. He confessed that from the proceeds of the sale of narcotics, his mother, Kusum, had acquired properties bearing Nos. E-4/13 and E-4/12, Sultanpuri. He further admitted that the narcotics were distributed by himself, his mother and his sisters. The investigation revealed that the Respondents, along with Kusum, assisted Amit in operating a drug syndicate. Amit stated that the Respondents actively facilitated the trafficking and concealment of narcotic substances and, together with the co-accused Kusum, benefited from the proceeds derived from the drug syndicate.

4.3 Amit disclosed that a Scorpio (DL8CBA4642) was purchased by his brother-in-law, a black Toyota Fortuner (ML10F0001) was purchased by Anuradha, and he himself purchased a Maruti Swift (DL9CBE1701). He further stated that he owned the property bearing No. E-4/16, Sultanpuri, while the ground floor of the property at E-4/57, Sultanpuri, was rented from one Moolchand for INR 3,00,000/-.

4.4 Pursuant to his disclosure, keys and registration certificates for a bike (DL8SCS5084) and the Maruti Swift (DL8CBE1701) were recovered. Additionally, cash amounting to INR 13,10,435/- and 69 grams of gold, along with other jewellery, were recovered from a safe located at property No. E-4/57, Sultanpuri. At property No. E-4/13, Sultanpuri, cash totalling INR 14,353/- and jewellery items were recovered from a safe stated to be Deepa's. In light of these findings, notices were issued to the Respondents under Section 67 of the NDPS Act.

4.5. As the Respondents failed to co-operate with the investigation and did not join the investigation process, Non-Bailable Warrants were issued against them.

4.6. Upon completion of investigation, a chargesheet was filed and by order dated 24th May, 2025, charges were framed against the accused Amit. Subsequently, by order dated 26th May, 2025, the Sessions Court granted regular bail to Amit. Relying on the said order, the Respondents moved an application for anticipatory bail, which was allowed by the impugned orders dated 13th June, 2025.

CONTENTIONS OF THE PARTIES

5. Mr. Tarang Srivastava, APP for the State, assails the impugned orders on the following grounds:

5.1. The allegations against the Respondents are grave and serious in nature. The Respondents and their family are running a drug syndicate and till now only Amit has been apprehended and Kusum is absconding. Thus, the Respondents' custodial interrogation is necessary for unearthing the conspiracy.

5.2. The Sessions Court failed to take into account that Non-Bailable Warrants had been issued against the Respondents. It is well-settled that when warrants for arrest or proclamations have been issued, pre-arrest bail should be granted only in extreme and exceptional circumstances. A person who persistently defies the orders of the Court and continues to abscond is not entitled to the concession of anticipatory bail.

5.3. The impugned orders proceed on an erroneous premise that there is no direct evidence against the Respondents. This conclusion overlooks the material unearthed during investigation, including the disclosure statement of Amit, which explicitly attributes an active role to the Respondents and their mother, Kusum, in facilitating the narcotics trade. This statement also led to the recovery of cash and jewellery, purportedly belonging to Deepa, from the premises at E-4/13, Sultanpuri.

5.4. The investigation has revealed substantial deposits in the bank accounts of both Respondents, amounting to several crores of rupees during the period 2023 to 2025. Notably, neither Respondent is engaged in any lawful business activity that could explain such significant inflows. In particular, Anuradha, who is only 23 years old, has no known source of lawful income. These unexplained financial transactions strongly suggest proceeds of illicit activities and necessitate thorough custodial interrogation, an aspect the Sessions Court completely failed to consider.

5.5. The Sessions Court also overlooked additional incriminating evidence in the form of electronic data, including transcripts and voice recordings retrieved from the mobile phones of co-accused which clearly implicate the Respondents in the alleged offence.

6. Mr. Rahul Sharma, counsel for Respondents strongly opposes the request made by the State, and submits as follows:

6.1. The Sessions Court granted anticipatory bail only after a careful and comprehensive consideration of the material on record. The Court was duly satisfied that no case for custodial interrogation was made out against the Respondents.

6.2. The Respondents have no previous criminal antecedents, nor have they ever been implicated in any offence under the NDPS Act. Their mere familial relationship with the co-accused Amit and Kusum cannot form the sole basis for their implication. Moreover, it is significant that only an intermediate quantity of contraband was recovered from Amit, who has already been granted regular bail by the Sessions Court *vide* order dated 26th May, 2025.

6.3. The entire conduct of the Respondents in relation to the raid and subsequent registration of the FIR is tainted with procedural irregularities. Pertinently, one of the members of the raiding team was later appointed as the Investigating Officer, which is impermissible in law and undermines the fairness of the investigation. This fact was not disclosed in the chargesheet. The omission casts serious doubt on the integrity of the proceedings.

Therefore, the State's demand for custodial interrogation appears to be an attempt to cover up these irregularities.

6.4. With respect to the alleged suspicious bank transactions, it is submitted that the majority of these entries pertain to online gaming activities. In any event, the statements of account relied upon by the State do not form part of the chargesheet and hence, cannot be relied upon to justify the demand for custodial interrogation at this stage.

6.5. Reliance is also placed on the freezing order dated 2nd July, 2025, passed by the competent authority under Section 68F(2) of the NDPS Act, to emphasize that the bank accounts of the Respondents were not even a part of the freezing order.

6.6. There is no direct evidence to implicate the Respondents and entire case of the State rests only on a disclosure statement, which does not have any evidentiary value as it has not led to any recovery.

6.7. The Respondents have consistently demonstrated their willingness to co-operate with the investigation. In fact, following the grant of anticipatory bail, the Respondents expressly communicated their readiness to join the investigation and have called upon the State to facilitate the same. Instead of pursuing this course, the State has chosen to assail the order granting bail through the present petitions.

6.8. It is further argued that the principle that "bail is the rule and jail is the exception" is firmly entrenched in our constitutional framework safeguarding personal liberty. Mere allegations or perceived involvement cannot justify pre-trial incarceration, especially when there is no demonstrable necessity for custodial interrogation. The Respondents can be effectively confronted with any material, including digital evidence or banking transactions, during the course of a regular investigation without resorting to their detention.

6.9. Reliance is also placed on the proviso to Section 437 of Cr.P.C in view of the fact that both the Respondents are women, and a lenient view be taken.

6.10. Reliance is also placed on the judgement in ***Ms. Shreya Jha v. CBI***[3] to argue that bail cannot be denied to the Respondents merely because deposits have been made in the accounts of the Respondents.

ANALYSIS

7. The Court has considered the afore-noted contentions. Before delving into the merits of the rival contentions, it is necessary to reiterate the well-settled principle that once bail has been granted, it should not ordinarily be cancelled unless there are strong and cogent reasons indicating that the concession of bail has been misused or that the accused has attempted to subvert the administration of justice. The Supreme Court, in ***Deepak Yadav v. State of U.P***.[4], has held that bail once granted should not be mechanically cancelled, and cancellation is justified only if there is evidence that the accused has misconducted himself or if new circumstances arise that warrant such a course. Further, in ***Vipan Kumar v. State of Punjab***[5] it was emphasized that bail may be cancelled where the order granting it is found to be arbitrary, based on irrelevant considerations, or suffering from non-application of mind.

8. At the same time, it is equally well-established that the order granting

[3] 2007:DHC:601
[4] (2022) 8 SCC 559
[5] 2021 SCC OnLine SC 854

bail must reflect due application of mind to the material on record and the nature and gravity of the accusations. Where the Court finds that the order granting bail has been passed without proper appreciation of material evidence or on an erroneous understanding of law, resulting in miscarriage of justice, such an order is liable to be set aside.

9. In order to appreciate the rationale adopted by the Sessions Court while concluding that custodial interrogation of the Respondents was not necessary in the present case involving serious narcotics offences, it is apposite to reproduce the relevant excerpt of the impugned orders:

> *"8. On perusal of the file, it is revealed that the main accused Amit had been enlarged on bail vide order dated 26.05.2025. In the bail order of accused Amit, it is stated that finally a case of intermediate quantity was made out and charges were framed for intermediate quantity against the main accused Amit. There is no recovery from the present applicant/accused and the prosecution has not shown any direct evidence to implicate the present applicant and there is no previous involvement of the present applicant. It was submitted by the IO that the account of the applicant has to be verified. As the account is within the knowledge of the IO, the investigation can be conducted in this regard and the same is not a ground to deny bail to the applicant/accused. It is also not the case of the prosecution that* ***the applicant is owner of the premises. Therefore, the present applicant/accused is admitted to anticipatory bail on furnishing of personal bond in sum of Rs. 25,000/- along with one surety in like amount on following conditions:***
>
> *a) The applicant is directed to reside at the given address, if there is any change in the address, she is directed to intimate the same to the Investigating Officer;*
>
> *b) The applicant is directed to report to the concerned Police Station twice in a week i.e. every Tuesday and Friday and shall join the investigation as and when required by the Investigating Officer and an advance intimation of 24 hours be given to the applicant;*
>
> *c) The applicant is directed to give all her mobile numbers to the Investigating Officer and to keep them operational at all times:*
>
> *d) The applicant directed to attend all the proceedings of the Trial Court through Virtual Court or physically, as the case may be or as per direction of ld. Trial Court.*
>
> *e) Violation of any of the above conditions by the applicant would result in the immediate cancellation of the bail granted."*

10. A perusal of the aforesaid extract reveals that the Sessions Court exercised its "extraordinary" discretionary jurisdiction primarily on three grounds: only intermediate quantity was recovered from the main accused Amit; no recovery was effected from the Respondents and no direct evidence was placed on record implicating them. However, these conclusions suffer from fundamental fallacies.

11. The Sessions Court's reliance on the principle of parity with co-accused Amit, who was granted regular bail is also erroneous. First, Amit was arrested and subjected to custodial interrogation, which allowed the investigating agency to extract vital information and undertake critical recoveries. In stark contrast, the Respondents have persistently evaded arrest, despite the issuance of Non-Bailable Warrants, thereby frustrating investigation. Second, the principles governing grant of anticipatory (pre-arrest) bail are materially distinct from those applicable to post-arrest (regular) bail. The principle of parity cannot be invoked mechanically across these different procedural stages. Particularly, anticipatory bail is intended as an extraordinary remedy, to be sparingly granted in exceptional circumstances where the applicant has demonstrated co-operation and absence of flight risk. The Respondents' continuous evasion and non-cooperation militates against these principles. Consequently, the grant of regular bail to Amit cannot, by any measure, form the basis for extending the benefit of anticipatory bail to the Respondents. The Sessions Court's approach, therefore, reflects a misappreciation of settled legal principles and warrants interference.

12. It is imperative to note that the issue of recovery from the

Respondents could not have arisen at the stage of the raid, as they were neither present at the premises nor apprehended alongside the other co-accused Amit. Their absence during the raid cannot, by itself, negate their involvement, especially when the allegations pertain to active participation in narcotics syndicate, financial linkages and management of proceeds of crime. Thus, the Sessions Court's observation regarding absence of recovery is neither determinative nor dispositive of their culpability.

13. This brings the Court to the critical question of whether the Trial Court was justified in holding that custodial interrogation of the Respondents was not warranted, premised on an alleged "lack of direct evidence" against them. In this regard, the material placed by the State assumes considerable significance. The State has pointed out that the bank account [Account No. xxxxxxx460 at Kotak Mahindra Bank] in the name of Anuradha @ Chiku, has credit entries of approximately INR 71,00,000/- from 8th January, 2023, to 15th April, 2025. Moreover, another account [Account No. xxxxxxx066 at Kotak Mahindra Bank], opened in the name of "Ankush Tukaramji Bhowate" using Anuradha's PAN details and having Kusum (the mother) as nominee, contains credits aggregating to INR 52,00,000/- between 22nd February, 2023 and 29th November, 2024. Similarly, the bank account [Account No. xxxxxxx256 at Kotak Mahindra Bank] maintained by Deepa Singh shows credit entries totalling approximately INR 1.5 Crores from 17th April, 2023 to 20th March, 2025. Significantly, counsel for the Respondents has categorically conceded that neither of the Respondents is engaged in any lawful business activity and there is no GST registration in their names. The explanation offered, that these amounts pertain to "online gaming", in the opinion of this Court, at

best, is a tenuous and partial justification. Even if certain credits might plausibly be attributed to online gaming, this does not convincingly account for the sheer magnitude, pattern and sources of funds reflected in these accounts. The State has further highlighted that a significant number of these entries consist of cash deposits and UPI transfers, which remain wholly unexplained. While these banking transactions may not, by themselves, constitute "direct evidence" of the offence in a narrow technical sense, they nonetheless form an integral part of the incriminating circumstantial chain. The volume and pattern of these substantial, unexplained cash flows point towards possible laundering or layering of illicit proceeds, and thus call for thorough scrutiny. These suspicious transactions undeniably strengthen the necessity for custodial interrogation to unravel the underlying financial trail and expose the larger conspiracy, if any. It is, therefore, manifest that the Trial Court's reasoning disregarding these material aspects is legally untenable and cannot be sustained.

14. The Respondents have sought to rely upon the decision in ***Shreya Jha*** to contend that bail cannot be denied merely on the basis of deposits reflected in their bank accounts. In ***Shreya Jha***, a co-ordinate Bench of this Court indeed held that the mere presence of monetary deposits in the account of an accused could not, by itself, form sufficient basis to frame charges, particularly when the accused was sought to be implicated solely by virtue of her familial relationship with the primary accused. However, this reliance is entirely misplaced. It must be underscored that the observations in ***Shreya Jha*** were made in the context of a challenge to an order framing charge. The issue there was whether a *prima facie* case existed to proceed to trial, not whether custodial interrogation was warranted at the investigative

stage. The standards applicable to anticipatory bail are materially distinct and far more stringent than those governing discharge or framing of charge, which mandates custodial interrogation to secure evidence. Moreover, in the present case, the bank deposits are not the sole incriminating circumstance but are part of a broader web of financial and circumstantial evidence, including disclosure statements, property recoveries, and unexplained cash flows, which collectively justify deeper investigation. Accordingly, ***Shreya Jha*** does not advance the case of the Respondents and stands clearly distinguishable.

15. At this juncture, the Court also notes the additional material unearthed during the investigation, which includes WhatsApp chat logs retrieved from co-accused Amit's mobile device and voice recordings recovered from the phone of co-accused Lekhraj @ Gannu. In particular, the voicenotes exchanged between Amit and an individual referred to as 'Samar Bhai' reveal that Amit explicitly directed suppliers to collect narcotics from his mother and sisters. The terminology and expressions used in these conversations *prima facie* indicate a structured and deliberate co-ordination involving the Respondents, rather than any casual or incidental reference. It is pertinent that despite the issuance of notices, Samar has consistently evaded the investigation, further raising concerns regarding the extent of the syndicate's operations and the Respondents' involvement therein.

16. Further, in the voice recordings recovered from Lekhraj @ Gannu's mobile phone, there are explicit references to Deepa Singh. In these recordings, Deepa is identified as the primary point of contact for resolving complaints related to the poor quality of heroin and for arranging the replacement of defective consignments. Such references, in light of the facts

of the case, *prima facie* suggest her active participation not merely in ancillary support, but also in operational aspects of the drug distribution network, including quality control, customer grievance redressal and logistical management. Coupled with the financial transactions and cash recoveries already discussed, these materials substantiate a *prima facie* case indicating the Respondents' substantive and direct involvement in the illicit trade, necessitating thorough custodial interrogation to unravel the full scope of their activities.

17. Moving beyond the Respondents' individual roles, the material gathered during the investigation appears to support the State's case that the accused persons, including the Respondents, were operating as part of a structured and organized drug syndicate. The Court is apprised that multiple properties, registered in the names of other co-accused, are suspected to be proceeds of criminal activity, and steps have already been taken to freeze these assets. The Respondents are alleged to have knowingly permitted the use of these properties for the storage, trafficking, and concealment of narcotic substances.

18. Additionally, secure mechanized locks and CCTV surveillance systems have been seized from these properties, including E-4/57 and E-4/13, Sultanpuri, Delhi. These properties are also equipped with escape routes. The State contends that the manner in which these premises have been structurally modified clearly indicates an intent to obstruct law enforcement operations. This allegation is supported by recovery memos and site inspection reports placed on record.

19. The State also emphasizes that there has been intentional suppression and destruction of evidence, specifically the DVR of the CCTV system,

initially produced by the defence which was found to have been deliberately erased prior to the raid. This selective deletion of footage indicates an attempt to destroy material evidence which fulfils the ingredients of an offence under Section 238 of BNS.

20. Viewed holistically, the material placed before the Court indicates the existence of a larger, organised criminal design in which the Respondents appear to be active participants. While the evidentiary value of the material relied upon by the State is a matter to be determined at the stage of trial, the limited question before this Court is whether, in view of the material gathered during investigation warrants denial of the State's request for custodial interrogation.

21. In view of the above circumstances, this Court is of the opinion that the decision of the Sessions Court is not sustainable. The material placed before the Court, as noted above, is sufficiently compelling to justify the State's request for custodial interrogation. The State seeks to ascertain the supply chain, the source of financial transactions reflected in the Respondents' bank accounts, their involvement in the narcotics trade and the nature of their association with their mother, Kusum, who, as noted earlier, has a history of involvement in NDPS cases. The State also needs to ascertain the source of the acquisition of properties suspected to have been purchased using drug proceeds and the Respondents' alleged conscious and active efforts to conceal assets derived from criminal activity. As the investigation in respect of these aspects is ongoing, the fact that the recovery from one of the co-accused is of intermediate quantity, by itself, could not have been a ground sufficient for the Sessions Court to reject the State's request for custodial interrogation.

22. As regards the applicability of proviso to Section 437 of Cr.P.C, the Court is fully conscious of the fact that the present petitions concern two accused who are women, and is equally mindful of the special consideration often extended to women under the criminal justice system. However, in the peculiar facts and circumstances of these cases, the State's request for custodial interrogation is not only justified but imperative for an effective and fair investigation.

23. In light of the foregoing discussion, the impugned orders dated 13th June, 2025, granting anticipatory bail to the Respondents, are hereby quashed.

24. It is clarified that the observations made above are only for the purpose of deciding the State's challenge to the bail order, and none of the observations shall affect the merits of the case.

25. Disposed of along with pending applications.

SANJEEV NARULA, J

JULY 14, 2025/as