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

+ **BAIL APPLN. 2344/2025**

VANGA RAJENDRA GOUD

.....Petitioner

Through: Mr. Sidharth Agarwal, Senior Advocate with Mr. Mithun Shashank, Mr. Shiv Nath Sawhney, Mr. Sidhant Saraswat and Ms. Priti Verma, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State with SI Neeraj Kumar Special Cell.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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05.08.2025

1. This is the third foray of the applicant herein (but first before this Court) seeking grant of bail in FIR no. 173/2024 for alleged offences under sections 8(c), 22 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS ACT) registered at police station Special Cell, Delhi. Earlier he filed first bail application which was dismissed by the Ld. Special Judge, NDPS, Patiala House Courts *vide* order dated 04.12.2024, where as the second bail petition filed by the applicant was also dismissed by the Ld. Special Judge, NDPS, Patiala house Courts, *vide* order dated 05.06.2025.
2. Prosecution case is that, acting on secret information, it intercepted a suspicious parcel on 25.04.2024 at Shree Maruti Courier Company



Warehouse, IGI Airport, Delhi. Upon opening the parcel in the presence of courier staff, two silver-coloured packets marked as A and B were found, each containing white powder suspected to be a psychotropic substance (Tramadol or Alprazolam), weighing 1.002 kg and 1.000 kg respectively. Total weight of the bundle was 2.002 kg.

2.1 In the course of investigation that ensued, co-accused Rachit and Namit were arrested, and further recoveries of 1.712 kg of psychotropic substance (Alprazolam) was allegedly made at their instance.

2.2. Based on custodial disclosure statement of the co-accused, when the applicant herein allegedly came to inquire about the parcel booked by co-accused Rachit at Pan Bazar, Secunderabad, Telangana, he was arrested on 14.05.2024. No communication of grounds for arrest as mandated under Section 52 of the NDPS Act was carried out.

2.3. The applicant is in custody since the day of his arrest i.e. 14.05.2024, more than 15 months now.

3. In the aforesaid backdrop I have heard the rival contentions and perused the case file.

4. Learned counsel argues that as per the prosecution, the Applicant who has a *tadi* (local wine business), allegedly procured alprazolam powder from co-accused Rachit Kumar and made payments to co-accused's (Rachit) mother's accounts.

4.1. He would point out that no recovery was made at the instance of the Applicant, even the parcel was not addressed to him, and the person who booked it has not been traced.

4.2 Moreover, he urges that the Applicant's arrest was made without communicating grounds, in violation of Section 52 NDPS Act and Article



22 of the Constitution. On this ground, even the co-accused Deepak Chauhan was granted bail on 09.06.2025, and co-accused Naveen Aggarwal was granted bail on 13.11.2024, both of whom have prior NDPS cases, unlike the Applicant.

4.3. The learned Counsel states that the applicant is in judicial custody since 14.05.2024 and has undergone more than 1 year and 2 months in incarceration and the trial is moving at snail's pace. Even though the chargesheet was filed on 25.04.2024, the prosecution intends to examine 70 witnesses due to which trial will take considerable amount of time. Reliance has been placed on ***Rabi Prakash v. State of Odisha 2023 SCC OnLine SC 1109*** and ***Man Mandal and Anr. vs. State of West Bengal 2023 SCC OnLine SC 1868*** to argue that in case the custody of the accused is for a prolonged period, conditional liberty overrides the statutory embargo.

5. Opposing the bail plea, learned APP would urge that given the role attributed to the applicant, no interference by this Court is warranted. He would submit if let out on bail during trial, the applicant may indulge in such like repeat acts.

5.1. She also points out that the applicant had earlier bails petitions filed by the applicant were validly dismissed by the Ld. Special Judge, NDPS, Patiala house Courts.

5.2 Moreover, she further points out that the a quantity of 4.720 kg has been recovered, which is a commercial quantity and attracts a minimum sentence of 10 years along with bar on bail as enshrined in Section 37 of the NDPS Act.

5.3 She further submits that a total of 5 parcels were delivered between 03.10.2023 and 12.03.2024 to Ms. G. Kavita, representative of the applicant,



indicating that a interstate drug cartel was in operation. The learned APP states applicant was in regular touch with the co-accused, Rachit Kumar and used the bank accounts of his relatives to purchase Alprazolam.

6. Having heard as above, it transpires that no recovery was indeed made from the conscious possession of the petitioner.

7. As per the case of the prosecution and the charge-sheet, that apart it appears that the name of the applicant triggered only during the investigation on the basis of a custodial disclosure by the co-accused which *per se* is not admissible, unless, of course, there is a cogent evidence corroborating the same. As of now, there is no direct evidence against the petitioner other than his being made suspect on the basis of his having direct contact with a co-accused, *namely*, Rachit who is stated to be the mastermind and thus has been termed as a prime accused.

8. It also transpires that similarly situated other co-accused persons (Deepak Chauhan and Naveen Aggarwal) whose call details also reveal that they were as much in touch with Rachit have been accorded the benefit of bail and to that extent the applicant stands no differently.

9. On a Court query put to the learned APP for State, she would submit, on instructions of the Investigating Officer, that there are no criminal antecedents of the applicant and he has never been involved in any NDPS matter in past.

10. The reasons which weighed on the mind of the learned Sessions Court while granting bail to the Co-accused inter alia was on the account of the non-disclosure of the grounds of arrest in terms of Section 52(1) of the NDPS, which is also a constitutional mandate under Article 22. Even on that ground applicant stands on parity as there is nothing on record produced by



the prosecution to show that he was served with any grounds of arrest.

11. Qua the apprehension of tampering of the evidence, there is no such likelihood as most of the material is documentary in nature and the contraband has already been seized and the same are beyond the reach of the applicant.

12. Taking wholesome view of the matter and given that the petitioner who remained under incarceration already for more than 14 months, I am, therefore, of the view that at this stage, he is entitled to be enlarged on bail.

13. Accordingly, the application is allowed. Applicant is directed to be released on bail on furnishing of bail bonds and surety of an equivalent amount to the satisfaction of the learned Trial Judge/Duty Judge as the case may be, subject to the imposition of other usual conditions by the learned Trial Judge/Duty Judge.

14. Nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposing of the present bail application. In case applicant is found involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted to the applicant in the present case vide instant order.

ARUN MONGA, J

AUGUST 5, 2025/SV/HD