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

+ **BAIL APPLN. 2521/2025**

MUKESH

.....Petitioner

Through: Mr. Arun Thapa, Mr. Ashutosh
Kumar Jha Dheeraj, Advocate.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Tarang Srivastav, APP with SI
Anil Kumar, Special Staff/East.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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15.09.2025

BAIL APPLN. 2521/2025

1. This is an application under Section 482 of BNSS for grant of anticipatory bail filed on behalf of the petitioner in case FIR no. 127/2024 under Sections 20/25 NDPS Act, 1985.
2. The Ld. Counsel for the petitioner submits that as per the charge sheet and the disclosure statement of co-accused Surender, he had purchased the seized contraband (*ganja*) from one person named Amarjeet. However, in his supplementary disclosure statement, he further stated that he used to purchase the contraband from one Mukesh i.e. the petitioner herein. On the basis of the supplementary disclosure statement, the Trial Court issued non-bailable warrants and thereafter proclamation under Section 84 BNSS, 2023 against the petitioner.



3. It is submitted that upon bare reading of the charge sheet, it is clear that the alleged Amarjeet and petitioner are two distinct individuals and it appears that there has been mistaken identity in equating the two as the same person. Furthermore, even if the prosecution's plea is taken on record that co-accused Surender also used to purchase *ganja* from the petitioner, the petitioner cannot be arrayed as an accused in the present FIR as the seized contraband in question was purchased from Amarjeet and therefore, no criminal liability can be attributed to the petitioner in relation to the present case.

4. It has been submitted that petitioner has not been named in the charge sheet and no cognizance has been taken by the Trial Court qua him despite this non bailable warrants have been issued due to misleading information provided by the Investigating Officer to the Trial Court. He further submits that all the three accused named in the charge sheet have since been enlarged on bail.

5. The application has been vehemently opposed by the Ld. APP arguing that commercial quantity of contraband (*ganja*) was recovered from the co-accused persons which was procured by them from the present petitioner and for which he has received the payment into his account. It is submitted that petitioner has been evading his arrest. He has not joined the investigation. NBWs/process under Section 82 Cr.P.C. (84 BNSS) has been issued against him, he is required for custodial investigation and therefore, not entitled for grant of anticipatory bail.

6. In rebuttal, the Ld. Counsel for the petitioner submits that execution of the coercive proceedings against the petitioner have since been recalled by the Trial Court by order dated 04.09.2025 subject to his joining the



investigation.

7. The present case involves recovery of 32 Kgs of *ganja* from co-accused Surender Yadav and 2 Kgs from co-accused Geeta Sharma both of whom have disclosed the role of petitioner Mukesh Kumar as the primary source of supply. During investigation it has been found that petitioner has received substantial payment in his bank account for the supply of contraband from the co-accused Surender Yadav and Geeta Sharma.

8. As per the status report, the CDRS of the petitioner and the co-accused establish connectivity between the petitioner and the co-accused. Admittedly petitioner has not joined the investigation and coercive action was initiated by the Trial Court.

9. Even though the execution of the coercive process has been recalled, subject to petitioner joining the investigation, the fact remains that petitioner has not joined the investigation.

10. As stated, petitioner may be required for the purpose of custodial interrogation for unearthing the entire conspiracy. Hence, in my view this is not a fit case for grant of pre-arrest bail to the petitioner.

11. The application is therefore, dismissed.

RAVINDER DUDEJA, J

SEPTEMBER 15, 2025/lks