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

+ BAIL APPLN. 2529/2025 & CRL.M.(BAIL) 1480/2025
BALVIR SINGH

.....Petitioner

Through: Mr. Priyam Kaushik, Mr Shaantanu Devansh, Mr. Harshith Pottangi and Ms Aashi Arora, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

22.09.2025

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1. The applicant herein seeks indulgence of this Court for grant of regular bail during pendency of the trial in the criminal proceedings arising out of FIR No. 956/2024 dated 23.10.2024 for the offences punishable under Sections 21, 22, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), registered at Police Station Sultanpuri, Delhi.
2. Applicant was arrested on 21.02.2025 and has been under incarceration for more than 7 months His earlier bail application was dismissed by the learned ASJ/ Special Judge *vide* order dated 06.05.2025.
3. Briefly stated, as per the FIR, on 22.10.2024, ASI Rajesh of Anti-Narcotics Squad, Outer District, Delhi received secret information that Takdeer Singh and his wife Gurjeet Kaur were supplying heroin and narcotic injections from their house at D-2/12, DDA Market, Sultanpuri.



After obtaining authorization under Sec. 41(2) NDPS Act and forming a raiding party, the team reached the spot around 5:05 PM.

3.1 Both accused were apprehended, served Sec. 50 NDPS Act notices, and searched. From Takdeer Singh, 9.6 gm Buprenorphine tablets, syringes, needles, injections, and ₹2,420 cash were recovered. From Gurjeet Kaur's possession, 9.64 gm heroin and 0.9 gm Buprenorphine tablets were seized from her purse.

3.2 All contraband was sealed, marked, and seizure memos prepared on the e-Sakshay App. The recovered articles were handed to HC Parveen for deposit at PS Sultanpuri, where FIR No. 956/2024 under Secs. 21/22/25/29 NDPS Act was registered.

3.3 Investigation revealed a supply chain involving Vijender, Vikas @ Sagar, and the Mind Vision De-addiction Clinic. The owner, Jaspal Singh, was arrested for procuring drugs illegally from Zenith Pharma using forged documents. He disclosed that his brother-in-law, Balvir Singh, worked as a caretaker and dispensed Buprenorphine tablets on his instructions. Balvir (applicant herein) later surrendered on 21.02.25 and allegedly admitted his role while in custody.

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

5. Learned counsel for the applicant would inter alia argue that :-

5.1. The prosecution has presented contradictory facts in the chargesheet, the status report, and the case diary, raising serious doubts about the reliability of allegations against the applicant. He is only a salaried employee at Mind Vision De-addiction Clinic, Nangloi, whose limited duty was to maintain patient registers and records. Employees cannot be held vicariously liable



for acts of the employer, and no independent role has been attributed to him in the alleged procurement of Buprenorphine.

5.2 .The applicant has no prior criminal record, no recovery has been made from him, and his implication is solely based on inadmissible disclosure statements of co-accused. Records further show that co-accused Takdeer Singh was a registered patient of the clinic, proving that the applicant's role was confined to clerical entries.

5.3. Applicant voluntarily surrendered on 21.02.2025, has been in custody since then, and has not been named in the main chargesheet. His conduct shows bona fide cooperation with the investigation, and his role, if any, is incidental and limited to administrative tasks.

5.4. There is no risk of tampering with evidence, influencing witnesses, or absconding.

5.5. He is a poor man dependent solely on his salary, with deep roots in society.

5.6. Continued incarceration serves no public interest, especially when he has maintained good conduct throughout his life.

6. The learned APP for the State, opposing the application, submits that it is sans merit and the applicant is not entitled to bail at this stage. The applicant was not a passive employee but was actively dispensing Buprenorphine tablets in commercial quantity from a de-addiction clinic, as disclosed by the co-accused and confirmed during investigation. The plea of limited role or clerical duty cannot absolve him of direct participation in the offence. Since the case involves commercial quantity, the rigours of Section 37 NDPS Act squarely apply, and the applicant has failed to satisfy the mandatory twin conditions. In view of the gravity of the offence, the misuse



of a medical facility for illicit trade, and the potential threat to public interest, the applicant does not deserve the concession of bail.

7. Having heard, *prima facie*, there appears to be some weight in the certain submissions addressed on merits by the learned counsel for the applicant, though merits of culpability is to be adjudicated at trial. Nonetheless, having regard to the overall circumstances, and in light of those submissions and reasons stated herein after, applicant deserves bail at this stage.

8. The applicant herein, a salaried employee at Mind Vision De-addiction Clinic, had only clerical duties of maintaining patient records and was not involved in procuring Buprenorphine. No recovery has been made from him, he has no prior criminal record, and his implication rests only on inadmissible disclosure statements of co-accused. He voluntarily surrendered, has cooperated with the investigation, and has not been named in the main chargesheet. Being a poor man with deep social roots, there is no risk of absconding or tampering with evidence.

9. All the other co-accused have already been accorded the benefit of bail while the applicant continues to be in incarceration merely on the ground that he is the owner of the de-addiction centre.

10. Learned senior counsel for the applicant also relies on ***Naveen Handa vs Central Bureau Narcotics***¹ decided by this Court on 25th July, 2025.

11. On the other hand, learned APP for the State strongly opposes the bail precisely on the basis of ***Amit Khanna vs State NCT of Delhi***² stating that the rigours of Section 8(c) read with Section 22(c) r/w Section 80 would apply and therefore, no indulgence of this Court is warranted.

¹ Bail Appln. 4070/2024

² Bail Appln. 4300/2024



12. However, having gone through the judgment in *Amit Khanna (supra)*, I am though in agreement with the views expressed therein where it was the case of anticipatory bail along with one regular bail and bail to the owner of the de-addiction centre was denied on the ground that the same was not duly sanctioned and designated de-addiction centre.

13. The facts of the case herein are different, therefore, the said judgment is not applicant to the facts of the present case.

14. The applicant has already remained in custody for more than 7 months. The trial is moving at a snail's pace and further continued incarceration would cause undue hardship to applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future as it violates the fundamental rule *i.e.* bail is the rule and jail an exception.

15. *Vide* an order of the even date, co-accused, namely Jaspal Singh has been accorded bail. The only different fact in the present case is that the applicant is stated to be the caretaker/brother-in-law of the owner of the de-addiction centre and other than that there is no separate role assigned to him. For the same reasons, as also already recorded in BAIL APPLN. 3289/2025, the applicant herein is also entitled to be enlarged on bail.

16. One of the primary objects of bail is merely to secure the presence of the accused during trial. The applicant statedly has deep roots in the society and has an unblemished record with no prior criminal involvements in NDPS, hence poses no flight risk.

17. As regards the apprehension of influencing or intimidating the witnesses and tampering with evidence, there is nothing on record to support such apprehension, and it is pertinent to note that the material evidence has



already been seized and is securely in the custody of the prosecution, rendering such apprehension illusory. One of the primary objects of bail is to secure the presence of the accused during trial. The applicant has no criminal antecedents, poses no flight risk, and continued detention may amount to punishment before conviction, at this stage.

18. As an upshot and taking a wholesome view of the matter, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

19. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same. In case the 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.

20. Accordingly, the bail application alongwith pending application stands disposed of.

CRL.M.(BAIL) 1480/2025

21. In view of the bail order passed in BAIL APPLN. 2529/2025 the application for interim bail is rendered infructuous. The same is accordingly disposed of.

ARUN MONGA, J

SEPTEMBER 22, 2025/acm