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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2560/2025 & CRL.M.A. 19967/2025

AJIT PAL SINGH

.....Applicant

Through: Mr. Amjad Khan, Mr.
Sumit Kumar & Mr.
Mohd. Azirudin, Advs.

versus

CUSTOMS

.....Respondent

Through: Mr. Avjit Dikshit, SC.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

25.07.2025

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1. The present application is filed by the applicant seeking regular bail in Case. No. VIII(AP)10/P&I/3174-C/ARRIVAL/2021 dated 12.10.2021 registered at Police Station Customs, Delhi for the offences under Sections 8/21/23/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**').

2. The brief facts are that on 23.04.2021, custom officers at IGI Airport, New Delhi intercepted the applicant along with co-accused Manpreet Sharma who had arrived from Uganda.

3. It is alleged that 986 grams of heroin was recovered from the applicant which he had illegally concealed in his baggage, pursuant to which the applicant was arrested.

4. It is pertinent to note that the applicant was travelling with co-accused Manpreet Sharma who was apprehended with 977 grams of heroin.

5. The co-accused has been admitted on bail by a Coordinate Bench of this Court by order dated 06.02.2025. The role of the applicant cannot be said to be graver. Both the applicant and the

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co-accused, who has been admitted on bail, have been named as accused in the present complaint filed by the respondent on the allegations that both of them were carrying heroin.

6. It is not disputed that the applicant was arrested on 23.04.2021 and has been in custody since last more than four years.

7. On being asked, it is pointed out that only 06 out of 21 witnesses have been examined till date and thus, the conclusion of trial is likely to take considerable period of time.

8. Given that there are 15 witnesses left to be examined, speedy trial in the present case does not seem to be possible. The trial is likely to take a considerable amount of time to conclude. The applicant cannot be made to spend the entire period of trial in custody especially when the trial is likely to take considerable amount of time.

9. The Hon'ble Apex Court in the case of ***Man Mandal & Anr. v. The State of West Bengal: SLP(CRL.) No. 8656/2023*** had granted bail to the petitioners therein, in an FIR for offences under the NDPS Act, on the ground that the accused had been incarcerated for a period of almost two years and the trial was likely going to take considerable amount of time

10. The Hon'ble Apex Court in ***Rabi Prakash v. State of Odisha : 2023 SCC OnLine SC 1109***, while granting bail to the petitioner therein observed as under :

"4. As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent - State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re: formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three and a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of



the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.”

11. Therefore, without commenting further on merits of the case, this Court considers it apposite to grant bail to the applicant.

12. The applicant is, directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

13. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

14. It is clarified that any observations made in the present



order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

15. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JULY 25, 2025

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