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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2861/2025**
CHANDAN KUMAR RAUTPetitioner
Through: Mr. Raman Gupta, Adv.

versus

STATE OF NCT OF DELHIRespondent
Through: Ms. Priyanka Dalal, APP for State.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER
01.08.2025

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CRL.M.As. 22292/2025 & 22293/2025

Allowed, subject to all just exceptions.

Applications stand disposed of.

BAIL APPLN. 2861/2025

1. Applicant is before this Court seeking regular bail in FIR No. 212/2024 dated 27.10.2024, registered under Sections 22(c) and 25 of NDPS Act, 1985 at Police Station Crime Branch, Delhi.
2. The case of the prosecution, as per the charge sheet and accompanying documents, is that on 26.10.2024, based on a secret informer's input, a raiding party was constituted which apprehended the petitioner near Batra Hospital, Mehrauli-Badarpur Road, New Delhi, while he was riding an auto-rickshaw bearing number DL1RAA7642. Upon search, the police allegedly recovered 6.972 kg of Tramadol, which is a psychotropic substance notified under the NDPS Act and exceeds the threshold of commercial quantity as defined therein. The petitioner was



arrested on 27.10.2024 and has remained in custody since then. The charge sheet was filed on 23.04.2025 and no further custodial interrogation is stated to be required.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated and that the alleged contraband was voluntarily handed over without concealment or resistance. It is further contended that the petitioner had no conscious knowledge about the nature of the substance, that he has no previous criminal antecedents, and that he is a permanent resident of Delhi having deep roots in society. Learned counsel relies on the orders dated 03.04.2025 and 26.05.2025 passed by the learned Special Court granting bail to the co-accused persons and submits that the petitioner is similarly placed and entitled to parity. It is further submitted that the investigation stands concluded and the trial is likely to take time, and therefore, further incarceration of the petitioner would amount to pre-trial punishment.

4. Per contra, learned APP appearing on behalf of the State has opposed the bail application and submits that the recovery of 6.972 kg of Tramadol from the possession of the petitioner constitutes a commercial quantity, attracts the bar against bail contained under Section 37 of the NDPS Act. It is further submitted that the petitioner was apprehended red-handed with the contraband and that the rigours of Section 37 are clearly applicable. It is also contended that the petitioner is not similarly placed as the co-accused who were not found in conscious possession and that the grant of bail at this stage would adversely impact the larger interest of society.

5. I have considered the rival submissions made on behalf of both parties and perused the material available on record.



6. The earlier bail application filed by the applicant was dismissed as recently as on 06.06.2025 vide an order passed by learned ASJ/Special Judge- NDPS (South), Saket Courts, New Delhi. Relevant part is reproduced herein for convenience:

“6. The role of co-accused persons namely Danish, Sushant Garg and Rajkumar, who have been granted bail is distinct from that of the present applicant. Co-accused Sushant Garg was arrested in the disclosure of the present applicant, however, no recovery was effected from his possession. Further, co-accused Danish was arrested on disclosure of Sushant Garg. He was stated to be a user of the contraband substance and nothing incriminating was recovered from his possession. Regarding co-accused Rajkumar, he was alleged to be the source of co-accused Parshuram and the only material against Rajkumar is the disclosure statement. In view of above, the present applicant cannot claim parity with the aforesaid accused persons.

7. Commercial quantity of contraband substance in the form of Tramadol tablets weighing almost 7 kgs were recovered from the possession of the present applicant. I am of the opinion that the applicant has not been able to overcome the twin hurdles of Section 37 NDPS Act. No ground is made out for grant of bail. The present bail application is accordingly dismissed.”

7. I am in agreement with the reasons recorded by learned ASJ/Special Judge- NDPS for declining the bail to the applicant. Since the passing of the above order, at this stage there is no material change of circumstances. Considering the role attributed to the applicant and the quantum of the contraband i.e. 6.972 kgs of Tramadol in tablet form of Veeon Ultra and Ultra Rick Brands coupled with the fact that the trial is at an initial stage and



even the charges are yet to be framed, this Court is not inclined to grant bail to the applicant at this stage.

8. The bail application is dismissed accordingly.

ARUN MONGA, J

AUGUST 1, 2025/akc