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

+ **BAIL APPLN. 2949/2025**

VIMLESH

.....Petitioner

Through: **Mr.Suraj Prakash Sharma, Advocate**

versus

THE STATE (GOVT NCT OF DELHI)

.....Respondent

Through: **Ms.Richa Dhawan, APP for the State
alongwith SI Chandra Shekhar, P.S.-
ANS/West**

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

25.09.2025

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1. Claiming himself to be falsely implicated, the applicant herein seeks indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 0621/2022 dated 14.09.2022 for the offences punishable under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act'), registered at Police Station Tilak Nagar.

2. Briefly speaking, per FIR, on 13.09.2022 at 04:55 PM, ASI Narcotics Squad, West District, received information that Jatin would supply intoxicating drugs near H. No. WZ-29A, Gali No. 13, Krishna Park, Tilak Nagar, at 05:45 PM. A raiding party was formed, and at 05:50 PM Jatin along with Taranjeet Singh were apprehended while handling medicine boxes. Both were served notices under Section 50 NDPS Act, consented to search, and no recovery was made from their persons. From their



possession, 31 boxes containing Alprazolam (946 g) and Tramadol (1885.8 g: 1000 tablets and 3100 capsules) were recovered without documents. The contraband was weighed, sampled, sealed, and seized. Both accused admitted illegal possession.

2.1 During the course of investigation, accused Jatin stated that he came into contact with Vimlesh/ applicant who used to supply narcotic medicines illegally. On 22.09.2022, the applicant was apprehended from his house, though no contraband was recovered in his search. In his disclosure, he stated that in June 2021 he met Santosh, obtained a drug licence in his own name, and opened a chemist shop called *Anushka Pharma*, from which he began ordering medicines, including Alprazolam and Tramadol, through Santosh's contacts and selling them. He admitted that after Jatin was caught, he closed his shop, shifted remaining stock to a godown, and had not maintained any bills. During his arrest, two mobile phones and 10 SIM cards were recovered from him, and from his house, three Aadhaar cards in the names of Vimlesh Dass, Arun Kumar, and Ravi Nishad (all bearing his photo), along with passbooks of Union Bank and HDFC Bank, and a Yes Bank cheque book, were seized.

2.2 On 23.09.2022, two-day police custody of applicant was obtained. At his instance, a search was conducted at Plot No. 21, Suraksha Vihar, Uttam Nagar, New Delhi, where he got recovered nine cartons of Tramadol tablets, weighing a total of 1,44,000 tablets (69.408 kgs) from six cartons and 72,000 tablets (34.704 kgs) from three cartons.

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

4. Learned counsel for the applicant would *inter alia* argue on the



grounds pleaded in the petition as below:

4.1 That the applicant, a 26-year-old peace-loving and law-abiding citizen with no criminal antecedents, has been falsely implicated in the present case and no contraband has been recovered from him. He would further submit that the applicant has deep roots in society and is permanently residing in Delhi, and there is no risk of absconding or tampering with evidence.

4.2 That the applicant to the same treatment as co-accused who were granted regular bail by the Trial Court in March 2025. Moreover, no independent witnesses were present during the alleged recovery, undermining the prosecution's case and the integrity of the seizure.

4.3 That the applicant has been in judicial custody for about 3 years, while trial is unlikely to conclude soon given that 26 witnesses have been cited. He would further urge that prolonged incarceration violates Article 21 of the Constitution, and the Hon'ble Apex Court has consistently held that conditional liberty must override the embargo under Section 37(1)(b)(ii) NDPS Act.

4.4 That reliance has been placed on judgments including ***Rabi Prakash v. State of Odisha, Bail Application No. 11613/2023, Mohd Muslim v. State (NCT of Delhi) Crl.A. No. 943/2023, Nitish Adhikary v. State of West Bengal SLP (Crl.) No. 5679/2022, Biswajit Mondal v. State of West Bengal SLP (Crl.) No. 11731/2022, Sanjay Chandra v. CBI criminal appeal Nos. 2178 to 2182 of 2011, Gurucharan Singh v. State (Delhi Admn.) (AIR 1978 SC 179), Manish Sisodia v. Directorate of Enforcement SLP (Crl.) No. 8781/2024, Moti Ram v. State of Madhya Pradesh (1978) 4***



SCC 47, Gudikanti Narasimhulu v. Public Prosecutor (1978) 1 SCC 240, Upwan Kumar v. State of Bihar SLP (Crl.) 3354/2024, and Gokul Mali v. State of Madhya Pradesh SLP(Crl.) No. 566/2023.

4.5 That granting bail in commercial quantity cases under NDPS Act, including ***Gopal Dangi v. State (NCT of Delhi) BAIL APPLN. 3350/2023, Through State v. Mohd Munib BAIL APPLN. 2507/2024, Lali v. State (NCT of Delhi) BAIL APPLN. 2507/2024, Arvind Kumar Jha v. NCB BAIL APPLN. 319/2023 & CRL.M.A 2677/2023, and Veer Singh v. State (NCT of Delhi) BAIL APPLN. 599/2024 & CRL.M.A 5232/2024, CRL.M.A 5233/2024.***

4.6 That the investigation has concluded, the charge-sheet has been filed, and the applicant's custodial interrogation is no longer required. The recovery itself appears doubtful, entitling the applicant to the benefit of doubt. Keeping him in custody for an indefinite period pending a protracted trial would amount to injustice.

4.7 That the applicant is committed to face trial, poses no flight risk, is willing to furnish security, and undertakes to comply with all terms and conditions of bail imposed by this Hon'ble Court.

5. Learned APP for the State would oppose the bail plea arguing that the applicant deserves no indulgence from this Court as commercial quantity of psychotropic substances is involved in the incident. The rigors of Section 37 NDPS Act are thus fully attracted, and bail cannot be granted unless twin conditions are satisfied.

5.1 She would further submit that the first bail application of the applicant was dismissed by a Co-ordinate bench of this Court *vide* order dated 09.12.2024.



6. Having heard, I am of the view that there may be some substance in certain arguments on merits addressed by the learned counsel for the applicant but the same are matter of trial. However, I am of the view that at this stage, in light thereof, it is a case for bail. Let us see how.

7. The applicant has been in custody for about 3 years. Investigation is over *qua* the applicant as the charge sheet has been filed on 19.01.2023. He is thus not required for any custodial investigation.

8. The testimony of prosecution witnesses is being recorded. As far as tampering of the evidence is concerned, the same seems to be an unfounded suspicion since most of the evidence is documentary in nature, which has already been seized by the prosecution and is beyond the reach of the applicant.

9. As regards influencing the witnesses, they are all officials of the prosecution and thus, it is an unfounded suspicion that she may try to reach out.

10. The applicant is a 26-year-old man who, at the crucial years of his career and continued preventive detention would jeopardize his career prospects for rest of the life. The suspicion that the applicant is likely to abscond, if granted bail, is unfounded.

11. He has no criminal antecedents of any kind. Further, the applicant has deep roots in society and is permanently residing in Delhi. Thus, the suspicion of flight risk or absconding is unfounded.

12. Not only the applicant has undergone inordinate incarceration since 22.09.2022 (3 years) but even otherwise, given the snail's pace of the proceedings in the learned Trial Court, it may so happen that before the same concludes, the applicant may end up undergoing the entire sentence



without being held guilty.

13. Moreover, it is not disputed that the co-accused of the applicant have been accorded a concession of bail by the learned Trial Court and the role attributed to the applicant as well as the co-accused was on similar footing. Though, of course, learned counsel for the applicant would contend that the role of the applicant is lesser than that of the co-accused.

14. Be that as it may, on the ground of parity as well, apart from the other reasons as noted hereinabove, I am of the opinion that the applicant is entitled to concession of bail.

15. Accordingly, 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. 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.

16. 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.

17. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 25, 2025

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