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

+ **BAIL APPLN. 3129/2025, CRL.M.A. 24312/2025**

SANDEEP ALIAS RAHUL ALIAS RAJUPetitioner

Through: Mr. Bibek Tripathi, Mr. Sudhakar
Tiwari and Mr. Manoj Kumar,
Advocates

versus

STATE OF GNCT OF DELHIRespondent

Through: Mr. Utkarsh, APP for the State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

19.11.2025

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1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Applicant-Sandeep @ Rahl @ Raju for grant of Regular Bail in FIR No. 0157/2024. It is submitted that the Applicant that the third Bail Application preferred before learned ASJ has been dismissed on 24.04.2025.

2. The case of the Prosecution is that the FIR was registered on 15.08.2024, but the Applicant was not named therein. It was only co-accused Rahul Kumar, who was arrested. The name of the Applicant surfaced only in the disclosure statement of the co-accused. The Chargesheet has already been filed in the Court. The recovery of 33.112 kg of Ganja was made from co-accused Rahul Kumar. No credible evidence in the form of bank statements, recorded communication, or independent witness testimony to establish that the Applicant paid any amount to co-accused Rahul Kumar towards the purchase of Ganja has been filed along with the Chargesheet.



There is mere recovery of contraband from Rahul Kuar, with no financial nexus established with the Applicant to implicate him under Section 29 NDPS Act.

3. He has no prior history of NDPS offences or any other criminal case. He is not a part of the organized drug network, and the allegations are likely an overreach. The alleged CCTV footage submitted by shopkeepers only shows the Applicant visiting the premises. It does not show any contraband exchange or of any illegal transaction. The alleged financial transaction of Rs.28,500/- and Rs.34,000/- from third-party shops to co-accused Chandan Pradhan has no documented proof of the origin of funds or the purpose of transmission. Even if money was transferred, the Prosecution has failed to establish that the funds were connected to narcotics trafficking.

4. No evidence such as intercepted communication, witness testimony, or forensic financial analysis has been placed on record to link such transaction to any alleged drug traffic. There is no admissible evidence against the Applicant. Co-accused Chandan Pradhan in regard to the alleged purchase of supply of narcotics, former is absconding. The recovery of certain transaction slips does not by itself establish that the money was meant for purchase of Ganja.

5. There is no recovery of contraband from the Applicant. There is no material evidence to prove that Chandan Pradhan was supplying Ganja to the Applicant or co-accused Rahul Kumar. The mobile SIM numbers allegedly used by the Applicant to communicate with the co-accused are not registered in his name. The CDRs only show incoming and outgoing calls with the co-accused. The recovered contraband was neither stored, transported, or received in any premises linked to the Applicant. There is no



recovery from his home, premises, or vehicle. There are no WhatsApp chats, emails, or other digital communication that links the Applicant to any drug peddling or transport activity. He has been falsely implicated in this case.

6. Reliance is placed on Yash Jayeshbhai Champak Lal Shah v. State of Gujarat, 2022 SCC OnLine Guj 271; Bharat Choudhary v. Union of India, 2021 SCC OnLine SC 1235. It is therefore, submitted that the Chargesheet has already been filed in the Court on 07.02.2025. No custodial interrogation of the Applicant is required. The only evidence against the Applicant is the disclosure of co-accused Rahul Kumar, which is inadmissible in law.

7. The Prosecution reliance is placed on Toofan Singh v. State of Tamil Nadu, (2020) 4 SCC 1, wherein it has been observed that the statements recorded by NDPS officers under Section 67 NDPS Act are inadmissible as confession. Reliance is also placed on Awadhesh Yadav v. State of NCT of Delhi; Raju Diwakar @ Pappu v State in Bail Application No. 44/2020; Muthu Kumar & Ors. v. Station House Officer, Kottakkal Police Station, (2008) SCC OnLine Ker I00, Mohd. Muslim v. State (NCT of Delhi), SLP (Crl.) No. 915/2023, Union of India v. K.A. Najeeb, (2021) 3 SCC 713, Sanjay Agarwal v. Directorate of Enforcement, 2022 SCC OnLine SC 1748, Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496, Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51, Dataram Singh v. State of U.P.

8. A prayer is , therefore, made that the Applicant be granted Bail.

9. **Status Report** has been filed on behalf of the State, wherein it is submitted that on 15.08.2016, on the basis of secret information, co-accused Rahul Kumar was apprehended and was found in possession of 33.112 kg of Ganja. During the course of the investigation, his mobile phone was



recovered from his possession, and his statements were recorded, wherein he named the Applicant as doing illegitimate business of supplying Ganja in the colony and portrayed the business of supplying of ganja to be lucrative.

10. He further disclosed that the Applicant had good contacts in Andhra Pradesh from where he got Ganja. He also disclosed the mobile numbers of the Applicant as belonging to him. Furthermore, two mobile phones of Applicant containing two SIM cards were recovered at the instance of co-accused Rahul Kumar.

11. During the course of PC remand of the Applicant, he identified two shops from where he used to transfer cash to co-accused Chandan Pradhan, in lieu of Ganja consignment. Rohit Kumar, one of the shopkeepers, provided the transaction summary of Rs.28,500/- of 26.05.2024 to the account of co-accused Chandan Pradhan. Similarly, the second shopkeeper, Rajender Goyal, provided the transaction summary of Rs.34,000/- on 30.07.2024 in the account of Chandan Pradhan. During the course of investigation, co-accused Chandan Pradhan has been declared a Proclaimed Offender.

12. The charges under Section 20(b)(ii)(C) NDPS Act has been framed against co-accused Rahul Kumar, and charges have been framed under Section 29/20(b)(ii)(C) NDPS Act against the Applicant and co-accused Chandan Pradhan.

13. The case is at the stage of Prosecution evidence. The Bail is opposed on the ground that there was a recovery of 33.112 kg of Ganja from co-accused Rahul Kumar with the instructions of the present Applicant to deliver the same to him. There is CDR connectivity between co-accused Rahul Kumar and the Applicant. There is also CDR connectivity and



financial transaction between the Applicant and the source of recovered contraband, namely, Chandan Pradhan.

14. Independent public witnesses as well as CCTV footage proves the transaction made by Applicant to co-accused Chandan Pradhan in lieu of recovered contraband. The co-accused Chandan Pradhan as the source of contraband, is yet to be traced. The FSL result regarding the recovered mobile phones of the Applicant is yet to be received.

Submission heard and record perused.

15. As per the Prosecution, the Applicant is said to be doing illegitimate business of supplying Ganja along with co-accused persons Rahul Kumar and Chandan Pradhan.

16. As per the Prosecution, the evidence against the Applicant is the disclosure Statement of the co-accused which is not admissible in evidence. The other evidence is the CDR report, establishing connectivity between the co-accused and the Applicant, as well as between the Applicant and the source of recovered contraband, i.e. Chandan Pradhan.

17. In Azad v. State of GNCT of Delhi and Another, 2023 SCC OnLine Del 1769, Co-ordinate Bench of this Court has held that CDR can only be used to corroborate any other evidence and cannot be the sole basis for conviction. It observed thus:

“16. ...CDR data may be an important and effective piece of evidence which may facilitate and assists courts in ascertaining the presence of different participants in commission of an offence including the complainant and proposed accused at one particular place or location which may be their presence at or near the place of occurrence. However, CDR data can only be taken as supporting or corroborative piece of evidence and conviction cannot be



*made solely on basis of CDR data. CDRs proved and relied on by the prosecution only proved that the appellants Jitender @ Jitu and Azad @ Gaurav, on day of incident, were present near place of occurrence/incident **but it is not proved that they have actually participated in commission of offence** as per complaint Ex. PW1/A. The respective counsels for the appellants Jitender @ Jitu and Azad @ Gaurav rightly argued that CDR data cannot be safely relied on to establish their criminality for the offence punishable under section 395 IPC. The argument advanced by the Additional Public Prosecutor regarding reliance on CDR data is without much force.”*

18. Further, in Saloni Arora v. State, 2009 SCC OnLine Del 1669, it has been held that mere telephonic conversation with a co-accused, is not incriminating evidence and CDR records would be tested during trial.

19. The Prosecution has vehemently argued that there are statement of two shop owners from where the Applicant had transmitted Rs.28,500/- on 26.05.2024 to co-accused Chandan Pradhan and Rs.34,000/- on 30.07.2024 to Chandan Pradhan, which is claimed to be the proceeds earned by him as commission on account of sale of Ganja. However, even if it is accepted that there were two transactions of money done by the Applicant and transmitted money to Chandan Pradhan but, at this stage, there is nothing to show that these two amounts had indeed been received from the co-accused Rahul Kumar or were the proceeds earned from the commission or otherwise from the sale of contraband.

20. The Applicant has been in Judicial Custody since 18.08.2024, i.e. for more than one year. The Chargesheet has already been filed on 07.02.2025 and the investigation completed. The Charges have also been framed, and the matter is at the stage of Prosecution Evidence.



21. There are 17 prosecution witnesses, of which only one has been partly examined. It is evident that the trial is likely to take long to get concluded. No custodial interrogation of the Applicant is required.

22. Considering the totality of circumstances, the accused is granted Regular Bail, on the following terms and conditions:

- a) The Applicant shall furnish a personal bond of Rs.35,000/- and one Surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Applicant shall appear before the Court as and when the matter is taken up for hearing;
- c) The Applicant shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Applicant shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Applicant changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

23. Copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court for information and compliance.

24. The Bail Application alongwith pending Application, is accordingly disposed of.

NEENA BANSAL KRISHNA, J.

NOVEMBER 19, 2025

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