



\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 3476/2024

RAVINDER KUMAR

.....Petitioner

Through: Mr. Mohammad Suza Faisal,
Ms. Huzaifa, Mr. K. Ansari,
Advts.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Arun Khatri, SSC with Ms.
Poonam Rani, Ms. Shelly
Dixit, Advts.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

05.03.2025

%

1. This is a petition seeking grant of regular bail in NBC Case No.VIII/38/DZU/2023 registered at PS NCB under Sections 8, 20(C), 23(C), 25, 27A and 29 of NDPS Act, 1985.
2. Briefly stating the facts are that on 04.08.2023, a parcel with AWB No. 9752309340 was intercepted at DHL Express Pvt. Ltd., 71/3, Rama Road, Near Kirti Nagar, New Delhi. On checking the parcel in the presence of an independent witness, 1.064 kg of Hashish/Charas was recovered. The consigner of the aforesaid parcel was Mr. Amit Bhatnagar, resident of AD 53C, Block, AD Shalimar Bagh, Ashok Vihar, North West Delhi- 110052, and the consignee was Mr. Patrick Paterson, Street Tingvej 22 apartment 1st floor, to the left, Denmark, Zip Code 23005. Thereafter, during investigation, Mr. Amit Bhatnagar in his disclosure statement disclosed the name of the petitioner to be involved in the crime along with him.



3. On 05.08.2023, the petitioner was arrested and upon enquiry, he stated that he was living on rent in House No-259A, Room No-03, Village Dhirpur, Near Nirankari Colony, Delhi and was involved in illegal Charas business. He also disclosed that he had given his scooter bearing No. DL 10 SU 2558 to Mr. Amit Bhatnagar so that the same could be used in the drug business.
4. On 08.08.2023, another search was carried out at House no. 259, Room No. 03, Gali No-14, Dhirpur Village, Nirankari Colony, New Delhi, being the rented accommodation and another 1.479 kgs of Hashish/Charas was recovered.
5. Mr. Suza, learned counsel appearing on behalf of the petitioner, states that the petitioner has been implicated in the present case primarily on the basis of the disclosure statement of the co-accused and further stated that there is no recovery from the petitioner.
6. He further states that the voice notes recovered from the phone of the co-accused have not been sent to the forensic laboratory.
7. Additionally, there is no corroborative evidence against the petitioner in the present case.
8. Reliance is placed upon two judgments of the Hon'ble Coordinate Bench of this Court in the cases of ***Vinod Nagar v. NCB Delhi, Bail Application No.3149/2022*** and ***Kayoom v. State of NCT of Delhi, Bail Application No.199/2022***.
9. The relevant paragraphs of the judgment of ***Vinod (supra)*** read as under:

“16. It is pertinent to note that no recovery has been effectuated from the applicant in the present case. In such circumstances,



merely because the applicant was in regular touch with the co-accused, is not sufficient to prima facie establish the offence against the applicant.

17. The statement made by the co-accused from whom the recovery of the contraband was made, is sought to be corroborated with the alleged WhatsApp chats between the co-accused and the applicant. The photocopies of the snapshots of the WhatsApp chats have been placed on record, the same relates to the period, July to August, 2020.”

10. The relevant paragraph of the judgment of **Kayoom** (*supra*) reads as under:

“3.6. The accused is in custody in the present case since 29.09.2020; Supplementary Charge-Sheet regarding the role of present accused was filed more than one year ago and the case is still at the stage of consideration of charge. Admittedly, no recovery was made from the possession of the present accused. It is admitted case of the State that co-accused of the present petitioner are already on bail, including the accused persons from whom recovery was made. In the charge-sheet against the present accused, Section 29 of the NDPS Act has been invoked, apart from Section 174 A IPC as the applicant/appellant was declared proclaimed offender. The criminal conspiracy theory is to be proved by the prosecution during trial, which is yet to begin; the petitioner cannot be kept in judicial custody indefinitely only on the strength of his specimen voice sample matching with the questioned voice recorded during intercepted



calls, while he was alleged to have been talking to other co-accused persons, who, as noticed, are already on bail.”

11. Ms. Dixit, learned counsel appearing on behalf of the respondent, opposes the bail.
12. I have heard learned counsel for the parties and perused the material on record.
13. In the present case, the voice notes found in the phone of the co-accused are from the phone number of the petitioner. The phone number from which the voice notes have been sent is phone No.7289804686, which is registered in the name of the petitioner. In the said voice notes, the petitioner has been talking about the parcel of Denmark, dispatch number and BHL, which is the alleged parcel from which the alleged contraband was recovered.
14. Additionally, the ID of the co-accused, by which the alleged parcel was booked for the alleged contraband, has been found in the phone of the petitioner.
15. It is pertinent to note that the judgments relied upon by learned counsel for the petitioner are distinguishable as under:
 - A. In the judgment of ***Kayoom (supra)***, the co-accused therein from whom recovery was made had already been granted bail.
 - B. In the judgment of ***Vinod (supra)***, the whatsapp chats between the petitioner and the co-accused therein were pertaining to the period of July-August, 2020 whereas, the recovery was made from the co-accused on 18.06.2021.
16. In the present case, pursuant to the order dated 21.02.2025 passed by this Court, the respondent has already filed an affidavit wherein it is



stated that the voice notes exchanged between the petitioner and the co-accused were of 03.08.2023 and 04.08.2023 and the contraband was seized on 04.08.2023. Hence, the said voice notes are of the date when the recovery was made.

17. For the said reasons, I am *prima facie* of the view that the petitioner is involved in the contraband dealings with the co-accused and since, the alleged contraband is of a commercial quantity, the petitioner has not been able to cross the bar of Section 37 of NDPS Act, 1985.
18. The petition is dismissed and is disposed of accordingly.
19. The affidavit is taken on record.

JASMEET SINGH, J

MARCH 5, 2025/DM

Click here to check corrigendum, if any