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

+ **BAIL APPLN. 3526/2025**

GANESH KUMAR

.....Petitioner

Through: Mr. Anand Prakash and Mr. Praveen
Mishra, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for
State with IO/SI MonuChaunan, Anti Narcotic
Cell, Central District.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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19.11.2025

1. The present application has been filed by the petitioner under Section 483 of BNSS, 2023 read with Section 37 of the NDPS Act for grant of regular bail in connection with FIR No. 0224/2025. PS-Daryaganj.
2. The case of the prosecution is that on 25.07.2025 SI Pankaj received a secret information about the consignment of Ganja being transported in white Swift Dzire Taxi near Rajghat Bus Depot.
3. Acting on the said information, police constituted a team which intercepted the a white Swift Dzire Taxi bearing registration no. DL1ZD3973 near the loop road behind the Rajghat Bus Depot.
4. In the said car three occupants were found and they were searched after following due procedure. In the search, 34.40 kilograms of Ganja



concealed in two bags and one plastic sack was recovered. The three occupants have been identified as Kaushal Kumar, Mani Bhushan and Vinod Mandal

5. Mr. Anand Prakash, learned counsel appearing on behalf of the petitioner submits that present petitioner was not found travelling with the co-accused in the aforesaid car. He submits that no recovery, whatsoever, has been effected from the present petitioner.

6. He contends that one of the incriminating circumstances pressed against petitioner is the disclosure statement of co-accused Kaushal Kumar, which is not *per se* admissible.

7. The other incriminating material which has been pressed against petitioner is the call records indicating communication between the petitioner and the alleged source of contraband namely, Ravi. He submits that such call records does not by itself establish the commission offence.

8. He further contends that case of the prosecution is that the contraband has travelled from Bihar to Delhi between 14.07.2025 to 16.07/2025, and the call details do not suggest any conversation between present petitioner and the alleged source during those three days.

9. He contends that present petitioner does not have any previous involvement either in the NDPS Act or any other crime.

10. *Per contra*, Mr. Ajay Vikram Singh, learned APP appearing on behalf of respondent/State submits that call record details suggest connectivity between the present petitioner and the source Ravi on 13.07.2025.

11. In rejoinder submission, learned counsel appearing on behalf of petitioner submits that money transactions which are referred to are transactions of only petty amounts ranging between Rs.150 to Rs.2,500/-.



Further, alleged money transactions being relied upon by the prosecution suggest that the money has come from the alleged source to the present petitioner and it is not the other way round, which contradicts the prosecution theory of alleged Ravi being source.

12. I have heard the learned counsel for the petitioner, as well as learned APP for the State and have perused the record.

13. The incriminating material, in so far as the present petitioner is concerned, is circumstantial in nature, and *inter alia* based on disclosure statement of the co-accused which is *per se* not admissible without there being any corroboration.

14. Merely because there are some calls between the petitioner and alleged source, it would not be sufficient to hold that applicant is guilty of the subject offence, when no recovery has been made from the petitioner. That apart, the CDRs are not a substantive piece of evidence and can only be used for corroboration.

15. Further, on being queried by the Court as to whether there is any material to suggest that Ravi is the source of the contraband, the learned APP on instructions from the IO, submits that this allegation is again predicated only on the disclosure statement of the co-accused.

16. While this Court notes from the status report, the existence of financial transactions between the petitioner and certain accused persons, there is no material to suspect that the said transactions were intrinsically linked to the sale of contraband recovered from the accused, thereby raising serious doubt regarding the petitioner's involvement. The prosecution has placed only the confessional statements of the accused, which as noted above are not *per se* admissible. Further, this is an aspect to be established during



trial and this Court does not intend to record a finding on merits at this stage.

17. It is also pertinent to note that the Petitioner has no criminal antecedents.

18. Since there has been no recovery of contraband from the Petitioner, the applicability of rigors of Section 37 of the NDPS Act in the present case is also a debatable issue.

19. In view of the above, this Court notes that the twin conditions under Section 37(1)(b)(ii) of the NDPS Act, viz., there are reasonable grounds for believing that the accused is not guilty of such offence and, secondly, that he is not likely to commit any offence while on bail, are satisfied.

20. Therefore, in the light of aforesaid facts and circumstances, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted on regular bail subject to his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- a. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b. Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c. Petitioner shall not temper with evidence or communicate with or come in contact with witnesses.

21. It is clarified that the observations made herein above are only for the



limited purpose of deciding the present bail application, and the same shall not be construed as an expression of opinion on merits of the case.

22. The application is disposed of.

23. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

24. Order *dasti* under signatures of the Court Master

VIKAS MAHAJAN, J

NOVEMBER 19, 2025/jg