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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3575/2025 & CRL.M.A. 28087/2025**
NARESH KUMARPetitioner

Through: Mr. Amit Chadha, Senior Advocate
with Mr. Akshay Bhandari, Ms.
Megha Sarora, Mr. Anmol Sachdeva,
Mr. Kushal Kumar, Mr. Janak Raj,
Mr. Harjas Singh, Mr. Dhruv Tomar,
Mr. Kartik Shoukeen and Mr. Kartik
Shoukeen, Advocates.

versus

STATE GOVT OF NCT OF DELHIRespondent
Through: Mr. Mukesh Kumar, APP.
SI Yash Pal, ANS/SED.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **22.09.2025**

1. This is the second application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 438 of the Code of Criminal Procedure, 1973²) filed by the Applicant seeking pre-arrest bail in relation to case FIR No. 3/2024 dated 2nd January, 2024, registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985³ at P.S. Sunlight Colony, Delhi.
2. The Applicant had earlier filed BAIL APPLN. 2236/2025, which was dismissed as withdrawn after arguments were addressed. In the present petition, Mr. Amit Chadha, Senior Counsel for the Applicant, submits that

¹ "BNSS"

² "CrPC"



certain additional grounds, not urged on the previous occasion, render the present application maintainable. While this Court remains unconvinced by the justification for a successive bail plea, given that the issue concerns personal liberty, it is considered appropriate to examine the present application on merits.

3. The case of the prosecution, in brief, is as follows:

3.1. On 2nd January, 2024, acting on secret information that one Surojit Bapri and 'B', a Child in Conflict with Law⁴, were storing and selling *ganja* from premises at D-16, Sidharth Nagar, Ashram, a raid was conducted. Both were apprehended, and 11.260 kg of *ganja* was recovered from their possession. A further search of the premises yielded an additional 11.890 kg and 12.582 kg of *ganja*, along with packing machines, staplers, weighing scales, and other materials.

3.2. During interrogation, the arrested persons disclosed that they were acting at the instance of Kanan Shukla @ Kanno and the Applicant, Naresh Kumar, then serving as a Sub-Inspector with the Crime Branch, Sunlight Colony. A raid at Kanno's residence led to the recovery of INR 1,70,000/-, and investigation also pointed towards another accused, Ravinder Kumar. A subsequent search of Ravinder's house resulted in the recovery of 74.141 kg of *ganja* and INR 96,000/-, following which he was arrested on 5th January, 2024.

3.3. In his disclosure, Ravinder Kumar implicated the Applicant, stating that on 2nd January, 2024, he had received calls from Naresh directing him to remove the contraband from the spot and store it at his residence. This

³ "NDPS Act"

⁴ "CCL"



version was corroborated by CDR records reflecting the Applicant's calls to Ravinder, and by statements of independent witnesses Kamal and Abhishek, recorded under Section 164 CrPC, who stated that the Applicant and Ravinder together instructed them to shift the bags of *ganja*.

3.4. The prosecution further relies on CCTV footage showing the Applicant locking and unlocking the said premises and himself shifting the contraband. The investigation has revealed that though the tenancy of the premises stood in the name of Ravi Shukla, it was in fact the Applicant, who paid the rent in cash. CDRs and WhatsApp records also indicated constant communication between the Applicant and other co-accused.

4. Mr. Chadha contends that the Applicant has been falsely implicated, on the basis of the disclosure statements of co-accused Surojit Bapri and Ravinder Kumar, the latter being a known police informer. It is argued that Surojit did not name the Applicant in his initial disclosure recorded on 2nd January, 2024, and only in a subsequent statement dated 4th January did such an allegation surface. As for Ravinder Kumar, it is argued that he is a known police informer, and his disclosure is unreliable and fabricated, particularly when notices were issued to witnesses Kamal and Abhishek to join investigation on 4th January, 2024 prior to Ravinder's arrest on 5th January, 2024 and the recording of his statement, thus indicating that the case against the Applicant is motivated. It is further emphasised that no recovery has been made from the Applicant.

5. In relation to the CCTV footage relied upon by the prosecution, Mr. Chadha explains the Applicant's presence at the location by stating that he had merely gone there to collect a blanket, which he had left behind after attending a party at the premises a few days prior to the registration of the



FIR. It is submitted that the polythene bag shown in the footage contained this blanket and not any contraband. As regards the vehicle seized during investigation, while the Applicant admits ownership, he denies its use for any unlawful purpose, asserting that Ravinder, being his secret informer, frequently had access to and used the car.

6. On the other hand, Mr. Mukesh Kumar, APP for the State, opposes the bail application, emphasising the gravity of the allegations and the ongoing nature of the investigation. He submits that custodial interrogation of the Applicant is essential to recover the mobile phone and SIM card allegedly provided to co-accused Kanan Shukla and to unravel the complete chain of events, including forward and backward linkages of the contraband. It is further urged that, being a police officer, the Applicant wields the capacity to tamper with evidence and influence witnesses if enlarged on bail. The State also points out that the Applicant had been absconding, necessitating proceedings under Section 82 CrPC. In these circumstances, custodial interrogation is indispensable for unearthing the larger conspiracy and identifying the true source of the contraband.

7. The Court has considered the submissions advanced on behalf of the Applicant but remains unconvinced. At this stage of pre-arrest bail, when the investigation is still underway and the Applicant is stated to have evaded arrest, the exercise requires a delicate balance: the safeguard of personal liberty on one hand, and the State's legitimate interest in conducting an unhindered investigation, securing material evidence, and ensuring the accused's availability on the other. It is in this backdrop, and keeping in mind that pre-arrest bail is an extraordinary remedy not to be granted as a matter of course, that the Court proceeds to examine the material on record.



8. The material gathered during investigation *prima facie* indicates the Applicant's involvement in the alleged trafficking of *ganja*. The prosecution has relied on several key pieces of evidence: (i) CCTV footage showing the Applicant accessing and operating the premises and carrying the contraband in a polythene bag; (ii) CDR reflecting communication with co-accused Kanan and Ravinder contemporaneous with the incident; (iii) statements of independent witnesses recorded under Section 164 CrPC stating that the Applicant and Ravinder instructed them to shift bags; and (iv) the rent agreement of the premises in question allegedly set up and paid in cash by the Applicant. Viewed against the circumstances noted above, the explanation offered by the Applicant of "*blanket collection*" does not inspire confidence at this initial stage.

9. While it is true, as Mr. Chadha contends, that the disclosure statements of co-accused do not constitute substantive evidence on their own, their evidentiary value cannot be considered in isolation. When such disclosures find *prima facie* corroboration from independent material, including CCTV footage, CDR records, tenancy and rent payment trails, and statements recorded under Section 164 CrPC, the same cannot be disregarded. Although the alleged discrepancy concerning the timing of notices issued to witnesses and Ravinder's arrest or disclosure may be tested during cross-examination at trial, it does not, by itself, undermine the *prima facie* case against the Applicant.

10. The State's plea for custodial interrogation further underscores the seriousness of the matter and is not a mere formality. It is specifically connected to: (a) recovery and forensic analysis of the mobile handset and SIM allegedly supplied to the co-accused; (b) mapping the forward and



backward linkages in the supply chain; and (c) tracing cash and communication channels. The Supreme Court has recognized that the need for custodial interrogation is a legitimate ground to deny pre-arrest bail where the investigation might otherwise be impeded. These considerations are particularly pronounced here, given the allegation that a police officer exploited official familiarity to shield an illicit operation, raising a real risk of witness tampering and interference with evidence if protection is granted. The record also notes the initiation of proceedings under Section 82 CrPC, which further weighs against the exercise of discretion in favor of bail.

11. In light of the gravity of the allegations, the scale of the recovered contraband, the ongoing nature of the investigation, and the initiation of Section 82 CrPC proceedings against the Applicant, the application for bail is dismissed along with the pending application.

SANJEEV NARULA, J

SEPTEMBER 22, 2025

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