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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3624/2025, CRL.M.A. 28408/2025 (stay)**

VIKASH KUMAR YADAV

.....Petitioner

Through: Mr. B.P. Verma, Senior Advocate,
Mr. Bipin Kumar Jha, Advocate and
Mr. Alok Kumar Dwivedi,
Advocates.

versus

STATE GOVT. OF NCT DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.10.2025

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1. First Anticipatory Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) read with Section 528 of B.N.S.S., has been filed on behalf of the Petitioner, Vikash Kumar Yadav for grant of Bail in FIR No. 115/2025 dated 01.03.2025 under Section 20 of NDPS Act, registered at Police Station Tilak Nagar, District West, Delhi.

2. It is submitted that the Case of the Prosecution is that on 28.02.2025, on the basis of secret information, the co-accused, Jageshwar was apprehended near Chaukhandi Road, Tilak Nagar, Delhi and 7.06 kg of Ganga was recovered from his possession. He made a Disclosure Statement in which he gave the name of the Applicant. He deposed that at the instance of the Applicant, he had transferred Rs.25,000/- in the Account of Mr.



Sanjeet Kumar Shah, who in turn transferred the money in the Account of the Applicant. It is submitted that the Bail Application filed before the Court of learned ASJ, has been dismissed *vide* Order dated 19.07.2025.

3. **The Bail is sought on the ground** that his name is not mentioned in the FIR and there are no specific allegations against him therein. The Applicant has never used any drugs and has never been involved in selling and purchase of Ganja either in Bihar or any part of the country. The Charge-Sheet has been filed against the co-accused, Jageshwar but this alleged Sanjeet Kumar Shah, has not been made an accused or a witness.

4. The Applicant has asserted that he has no concern with co-accused, Jageshwar. Furthermore, the transfer of Rs.25,000/- to his Account was as a friendly loan and does not link the Applicant with the facts of the present case.

5. The recovery of 7.06 KG Ganja from the co-accused, is not a commercial quantity. The Applicant has no previous involvement. He is a victim of conspiracy and has been falsely implicated to spoil his life and career. Furthermore, no recovery of any contraband has been made from the Applicant. He undertakes to abide by any terms that may be imposed while granting Bail.

6. A prayer is, therefore, made that the Anticipatory Bail be granted.

7. **Status Report has been** filed on behalf of the State wherein the entire details of the Charge-Sheet has been mentioned. It has been stated that pursuant to the disclosure made by the co-accused, multiple raids were conducted in Bihar but he was found absconding. Despite service of two Notices under Section 67 NDPS through his cousin, Jitender Yadav, for appearance on 16.04.2025 and 25.04.2025, he has willfully failed to join the



investigations. On account of his conduct, NBWs have been issued against him on 09.06.2025 and again on 14.07.2025. The Proclamation under Section 84 B.N.S.S., has already been executed at the native place of the Applicant. The matter is now listed for compliance of Proclamation and for declaration proceedings. He has been evading lawful process as refused to join investigations and is consciously avoiding arrest. These factors disqualify him for seeking Bail.

8. The Bail Application is **opposed on the ground that** the intermediate quantity of Ganja was recovered from the co-accused and the Applicant is the main Supplier, who financed and facilitated illicit trafficking from Bihar to Delhi. His custodial interrogation is required to identify the source and transit Network of narcotic supply; to ascertain financial channels used for proceeds of crime, to recover digital devices, Bank records, other electronic evidence and to unearth the involvement of other co-conspirators within Delhi and Bihar.

9. Reliance is placed on Awadhesh Yadav vs. State Govt. of NCT of Delhi, Bail Application 1692/2023; Amar Singh Ramji Bhai Barot vs. State of Gujarat; Bhupinder Singh @ Bhinda vs. State of Punjab; 2004 SCC OnLine P&H 101; Muthu Kumar & Ors. vs. Station House Officer, Kottakkal Police Station [(2008) SCC OnLine Ker 100]; Muhammed Sadath vs. State of Kerala, 2023 SCC OnLine Ker 1913; Rafiq vs. State (Govt. of NCT of Delhi) (Bail Application 3901/2020); Ishika vs. State, 2021 SCC OnLine Del 3131; Aakash Mehra vs. Narcotics Control Bureau, 2023 SCC OnLine Del 5597; Anita vs. State of NCT, [Bail Appln. 1538/2022, DOD 20.07.2022]; Vicky Kaur vs. State of Punjab; Anita @ Kallo vs. State, 2023 SCC OnLine Del 4178; Ridhm Rana vs. State (NCT of Delhi), 2022 SCC



OnLine Del 771; Sheela vs. State Govt of Delhi, 2023 SCC OnLine Del 6391; Srikant Upadhyay & Ors. vs. State of Bihar & Anr., 2024 INSC 202; Serious Fraud Investigation Office vs. Aditya Sarda, 2025 INSC 477 and Anarul SK vs. The State of West Bengal in SLP No. 12621/2024.

10. It is, therefore, submitted that the Application is liable to be dismissed.

11. **Learned Prosecutor has further submitted** that he has involvement in two other cases aside from the present Case.

12. **Learned Senior Counsel on behalf of the Applicant** has explained that in the two Cases, the Charge-Sheets have been filed but the Applicant has not been named as one of the accused in both the charge sheets.

13. **Submissions heard and the record perused.**

14. The case of the prosecution is recovery of intermediate Ganja from the possession of the co-accused. Essentially, the allegations against the Applicant are of being a main Supplier and organizer of the Network, but the only incriminating evidence as on date is transfer of Rs.25,000/- in the Account of the Applicant through Sanjeet Kumar Shah from the Applicant.

15. Considering the totality of circumstances, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.**50,000/-** with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer and shall co-operate during



the investigations.

(iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.

(iv) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.

(v) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

16. The Petition stands disposed of in the above terms. Pending Applicant, if any, also stands disposed of.

17. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

OCTOBER 17, 2025/RS