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

+ **BAIL APPLN. 3682/2025**

SANJEEV

.....Petitioner

Through: Mr. Mohit Yadav, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.11.2025**

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 of the Code of Criminal Procedure, 1973) seeks regular bail in FIR No. 08/2025 registered under Sections 20/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985¹ at P.S. Crime Branch.

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

2.1. On 8th January, 2025, secret information was received regarding the involvement of one Naseeb, in the supply of *Charas* in areas of Delhi. It was further informed that Naseeb, along with his accomplice, would arrive near Gurudwara, Majnu Ka Tila, in a car bearing Himachal Pradesh registration, with the last digits being 0307 (Ertiga model).

2.2. Acting upon the said information, a raiding team was constituted and dispatched to the location. Upon reaching the vicinity of Maharaja Hotel,



Timarpur, the team traced the suspected vehicle and observed two individuals exiting the car and entering the hotel premises. The team followed them to Room No. 107 of the hotel, where Naseeb and the Applicant, Sanjeev were found and apprehended on the spot.

2.3. Both accused were served with notices under Section 50 of the NDPS Act, following which a personal search was conducted. During the search, a black polythene bag, recovered from Naseeb's bag, was found to contain a transparent packet with a dark, solid, circular substance. The same was tested by the FSL team and confirmed to be *Charas* weighing 1.428 kilograms.

2.4. It was revealed that Naseeb had brought *charas* from Kasol, Himachal Pradesh, intending to sell it in Delhi with the assistance of the Applicant, who facilitated transportation. As per the CDR analysis, both accused were in contact prior to their apprehension.

2.5. In light of the recovery, the subject FIR was registered, and both the Applicant and the co-accused were arrested. The investigation in the matter has since been completed, and the chargesheet has been filed. Pertinently, the bail application of the co-accused was dismissed by this Court *vide* order dated 10th October, 2025.

3. Counsel for the Applicant asserts that the Applicant has been falsely implicated despite having no connection with the alleged offence beyond his engagement as a taxi driver. No recovery whatsoever has been effected from the Applicant and the entire recovery was made from the bag carried by co-accused Naseeb. The alleged INR 9,000/- transaction relied upon by the prosecution was towards payment of taxi fare, and the Call Detail Records

¹ "NDPS Act"



(CDRs) showing communication between the two pertain to coordination for the said journey. It is further contended that the hotel room register does not bear the Applicant's name or signature; rather, the entry is in the name of one Sandeep Kumar. Even in the disclosure statement of the co-accused, there is no allegation that any recovery was made from the Applicant or that he had any role in the possession or sale of the contraband.

4. On the other hand, Mr. Yudhvir Singh Chauhan, APP for the State, opposes the bail Application and submits that the material on record clearly establishes the Applicant's active involvement in the offence. There was a monetary transaction between the Applicant and the co-accused, and their prior communication has been corroborated through CDR analysis, indicating prior familiarity and coordination. The recovery is of a commercial quantity of *charas*. The Applicant was knowingly facilitating the transportation of the contraband in collusion with the co-accused, as he had driven him from Kasol to Delhi for this very purpose. Though the hotel entry is recorded in the name of one Sandeep Kumar, the Aadhaar number and father's name mentioned therein correspond to the Applicant, thereby linking him to the premises from which the recovery was made. He was also present in the hotel room at the time of recovery. Furthermore, the disclosure statement of the co-accused specifies that the Applicant was aware that the journey was undertaken for the sale of *charas*.

5. The Court has considered the rival submissions. It is not in dispute that the recovery of *charas* was effected from the bag carried by the co-accused, and no contraband was recovered from the Applicant. The disclosure statement of the co-accused also indicates that the recovery was made solely from him. Therefore, at this stage, the only offence that can be



prima facie attributed to the Applicant is one under Section 29 of the NDPS Act.

6. The material relied upon by the prosecution, namely the call detail records, the alleged payment of INR 9,000/-, and the hotel records, are matters of evidence, the probative value of which cannot be examined at this stage and may be assessed during trial. At this stage, there is *prima facie* no material to suggest that the Applicant was in conscious possession of the contraband or that he had any direct role in the trafficking. In the absence of material indicating conscious possession or active participation, the rigours of Section 37 of the NDPS Act are also not attracted at this stage.

7. The Supreme Court has in catena of cases held that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.²

8. Having regard to the fact that the investigation is complete, the chargesheet has been filed, and the Applicant, who has no previous criminal antecedents, has been in custody for about ten months, the Court is of the view that his further detention is not warranted.

9. Accordingly, the Applicant is, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

² See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
 - d. The Applicant shall appear before the Trial Court as and when directed;
 - e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
 - f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
 - g. The Applicant shall report to the concerned PS on first Friday of every two months;
10. In the event of there being any FIR / DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

NOVEMBER 12, 2025

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