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

+ BAIL APPLN. 3814/2025

RISHI KUMAR SINGHPetitioner

Through: Mr. Santosh Kumar Singh, Adv.

versus

THE GOVT OF NCT OF DELHIRespondent

Through: Mr. Utkarsh, APP for the State with

SI Prahlad Ps Special Cell SWR.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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08.12.2025

1. Bail Application filed under Section 483 of the BharatiyaNagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) on behalf of the **Applicant/Rishi Kumar Singh** seeking **Regular Bail** in FIR No. 374/2022 under Section 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*hereinafter referred to as "NDPS Act"*), P.S. Special Cell, Delhi.
2. It is submitted that the Applicant is in Judicial Custody since 14.12.2022.
3. The **case of the Prosecution** is that the Special Cell/SWR had been receiving information regarding a narcotics/psychotropic drug syndicate being operated by one **Kuldeep**, resident of Loni along with his associate **Rishi**, resident of Burari. In September 2022, secret informers revealed that both were engaged in procurement and large-scale supply of contraband in Delhi-NCR and other parts of the country. Further technical surveillance and informer inputs indicated that a drug delivery between Kuldeep, Rishi and their associates was likely to take place.



4. On **13.12.2022**, at about **4:40 PM**, a secret informer informed the Special Cell that Rishi would be supplying a big consignment of contraband to Kuldeep near Wazirabad Flyover between 5:45 PM and 7 PM. This information was reduced into writing at 4:55 PM and a DD entry *vide* **DD No.103A** was lodged for compliance of Section 42 NDPS Act. The information was placed before the ACP, who granted the necessary authorization, and a raiding party was constituted.

5. The team left for the location and the informer later identified the likely delivery point as the *T-point on Nehru Vihar near Govt. Lady Noice Dumb School*. The raiding party was positioned and at about **6:45 PM**, one off-white colour *Scooty* without a number plate carrying two cardboard cartons, tied on the back seat of the *Scooty* (driven by Rishi) and an E-rickshaw loaded with cartons arrived, followed shortly by Kuldeep on a motorcycle (Passion bike, DL5SBL2907) accompanied by an Eco Van (DL1I53970).

6. The vehicles stopped at the T-point, Nehru Vihar, near Shani Mandir and near Govt. Lady Noice Dumb School. The informed identified the person on the *Scooty* as Rishi, and the person on the Passion bike as Kuldeep. Both, Rishi and Kuldeep began transferring cartons from the *Scooty* and E-rickshaw into the Eco Van. **The raiding team apprehended Rishi, Kuldeep, and the drivers of the Eco Van (Brijmohan) and E-rickshaw (Raju).**

7. The accused were informed of the secret information, their legal rights under Section 50 NDPS Act, and were served notices accordingly. Public witnesses were again requested, and one joined the proceedings. The



ACP SWR reached the spot around **8:15 PM**, and issued the search authorization for the vehicles.

8. On checking the cardboard boxes recovered from the Ecovan, **two boxes were found containing Alprazolam Tablets IP 0.5 mg (Alprasafe-0.5) of make Plenteous**. Each cardboard box had 100 small boxes, and each small box contained 10 large strips of 60 (10×6) tablets, all bearing Batch No. PCCAA1020. The small boxes also had “106-10 tablets” written on them, and these boxes were marked B-1 and B-2.

9. **Three more cardboard boxes were found containing Akumentis tablets of Paracetamol, Dicyclomine Hydrochloride, and Tramadol Hydrochloride (325 mg, 10 mg, 50 mg), marked “Proxyband Spas.”** Each cardboard box contained 60 small boxes, and each small box had 190 large strips, each strip containing 24 (8×3) tablets, bearing Batch No. PO7FA21. These boxes were marked B-3, B-4, and B-5.

10. Another **three cardboard boxes were found containing PROXYWEL SPAS tablets (Paracetamol, Dicyclomine Hydrochloride, and Tramadol Hydrochloride)**, marketed by Plenteous Pharmaceuticals Limited, Delhi. Each cardboard box contained 60 small boxes, and each small box had 10 large strips of 24 (8×3) tablets, all bearing Batch No. PCCIH292. These boxes were marked B-6, B-7, and B-8.

11. On checking the recovered cardboard boxes, **one box recovered from the possession of Kuldeep and two boxes recovered from the E-rikshaw were found containing PROXYWEL SPAS tablets of Paracetamol, Dicyclomine Hydrochlorine, and Tramadol Hydrochloride Capsules, mark “Plenteous,”** and marketed by Plenteous Pharmaceuticals Limited, B-485, Laxmi Tower, LSC, Block-C, SaraswatiVihar, Delhi-110034 (India).



Each cardboard box contained 60 small boxes, and each small box contained 10 large strips, each strip having 24 (8×3) tablets, all bearing Batch No. PCCIH292. These boxes were marked B-9, B-10, and B-11.

12. The recovered cardboard boxes were sealed with brown-coloured tape, and all the recovered contraband was found to be manufactured by Pure & Cure Healthcare Private Ltd. (a subsidiary of Akums Drugs & Pharmaceuticals Ltd.), Plot No. 26A, 27–30, Sector 8A, IIE Sidcul, Ranipur, Haridwar-249403, Uttarakhand.

13. The recovered strips contained batch and manufacturer details printed on them, matching the information on the respective small boxes. The boxes marked B-1 to B-11 were tied with brown-coloured tape, wrapped with cloth strips, and all exhibits were sealed with the seal of “SPL CELL SWR 8” and the FSL form was duly filled. The seal was handed over through memo.

14. Both accused, the Applicant/Rishi Kumar Singh and Kuldeep Kumar admitted that the recovered substances were **Tramadol** and **Alprazolam** tablets and failed to provide any valid documents for lawful possession.

15. The exhibits were seized, and it was concluded that Rishi and Kuldeep, in conspiracy with each other and their associates, were in illegal possession of psychotropic substances for the purpose of commercial trafficking, thereby committing offences under Sections 22/29 NDPS Act.

16. *Thus, the present FIR was registered and the Applicant was arrested.*

17. The **Applicant is seeking Regular Bail on the grounds** that the Applicant is 31 years old and belongs to a poor but respectable family.

18. It is submitted that the Applicant has been living in Delhi for the last 15 years and is a permanent resident of Burari.



19. Reliance has been placed on the case of State of Kerala vs. Raneef, (2011) 1 SCC 784 has held that delay in trial is an important factor in bail decisions. If an accused spends years in custody and is later acquitted, the lost years cannot be restored. A person on bail can better prepare and present his case, and mechanical detention should be demoted.
20. It is submitted that there is no other eye-witness in the case; the remaining witnesses are only formal witnesses.
21. It is further submitted that the Applicant has clean antecedents and is ready to join and cooperate with further investigation whenever directed.
22. The Chargesheet has already been filed and the trial is at the stage of Prosecution Evidence.
23. The Applicant's earlier Bail Application were dismissed by the Court of Ld. ASJ, Patiala House Courts, New Delhi, on 05.05.2025.
24. *Hence, a prayer is made for grant of Regular Bail.*
25. The **Status Report has been filed on behalf of the State** and has been taken on record.
26. It is stated that the two accused persons (Applicant and Kuldeep Kumar) were apprehended with joint possession of **11 cardboard boxes containing 1,29,600, tramadol capsules and 1,20,000 alprazolam tablets** were recovered from the E rickshaw, and the eco-Van hired by them.
27. On demand, both accused persons, neither produced any valid documents in connection with the goods recovered. They did not produce any drug license on their names. The psychotropic substances courses through a seizure memo and taken into police custody. The Applicant during interrogation had disclosed that he had illegally purchased the psychotropic substances from the co-accused Anurag Kumar Singh on 13.12.2022 and he



was going to sell/deliver/supply this contraband to the core accused Kuldeep Kumar. Kuldeep Kumar disclosed that he ordered/demanded for recovered, psychotropic substances from his associate, the Applicant.

28. During investigation, supplier/source of the recovered, contraband was named as Anurag Kumar Sinha, who was arrested on 15.12.2022.

29. The weight of the contraband recovered from the joint possession of co-accused, Rishi Kumar Singh and the Kuldeep Kumar was **80.8 kgs** (16 kgs Alprazolam + 64.8 kgs Tramadol).

30. The mobile phones of all the accused persons were seized. During the CDR analysis, it was found that there were 864 calls between Anurag Kumar Sinha and Rishi Kumar Singh and Kuldeep Kumar from 04.09.2022 to 13.02.2022, reflecting the Applicant was in frequent contact with other accused.

31. Furthermore, the data retrieved from the seized mobile phones of all the accused persons, was received from FSL Rohini. The data revealed that there were 629 audio files and 9045 audio files found recorded in the mobile phone of the Applicant and Anurag Kumar Sinha. There are some recorded calls of all accused persons on the date of recovery i.e. 13.12.2022, talking about the consignment of psychotropic substances.

32. Furthermore, the transcription of the relevant recorded calls regarding the psychotropic substances of all accused persons, were prepared and taken on record. The voice sampling results are awaited.

33. The recovery affected is of **commercial quantity** (Tramadol & Alprazolam is 250 gms and 100 gms).

34. Reliance has been placed on Awadesh Yadav vs. State Govt. of NCT of Delhi, Bail Application 1692/2023; State of M.P. vs. Kajad, (2001) 7 SCC



673; Union of India vs. Rattan Malik @ Habul, (2009) 2 SCC 624; Union of India vs. Ram Samujh and Ors., 1999 (9) SCC 429; State of Kerala vs. Rajesh etc., (Crl. A. 154-157/2020); Satish Singh vs. State of H.P., Cr. MP (M) No. 299/2020 decided on 29.06.2020; Union of India through NCB vs. Md. Nawaz Khan, Crl. A. 1043/2021; NCB vs. Mohit Aggarwal, Crl. A. 1001-1002/2022; Collector of Customs, New Delhi vs. AhmadalievaNodira, (2004) 3 SCC 549; State of Kerala and Ors. vs. Rajesh and Ors., (2020) 12 SCC 122; State of NCT of Delhi vs. Mohd. Jabir, Crl. A. 4931/2024; Hira Singh and Anr. vs. Union of India and Anr., (2020) 20 SCC 272; M.P. vs. Kajad, (2001) 7 SCC 673.

35. *Hence, the Bail Application is strongly opposed.*

Submissions heard and record perused.

36. The brief facts of the case are that on 13.12.2022, Inspector Manender Singh, acting on secret information regarding syndicates involved in illegal drug trafficking, *conducted a raid and apprehended four persons including the Applicant and co-accused Kuldeep Kumar*. The case of the Prosecution is that Rishi Kumar Singh and Kuldeep Kumar had hired an Eco Van and E-rickshaw specifically for transporting contraband substances. Psychotropic substances were recovered from their possession, leading to proceedings under the NDPS Act.

37. The primary issue for consideration is *whether the Applicant satisfies the conditions for grant of Bail under Section 37 NDPS Act, 1985*, which carves out a special provision for Bail in respect of certain offences, including those involving a commercial quantity of narcotics. It reads as under:-



“37. Offences to be cognizable and non-bailable - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) - (b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless –
(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and
(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.”

38. The provision lays down two mandatory conditions, commonly known as the “twin tests,” that must be satisfied before bail can be granted. The court must have “reasonable grounds for believing” that the accused is “not guilty” and is “not likely to commit any offence” if released. This standard is significantly higher than the one for granting bail in other criminal cases.

39. ***Firstly, the role of the Applicant and the nature of the offence must be considered.***

40. In the present case, the material collected during investigation, including the secret information, the surveillance inputs, the manner in which the Applicant arrived at the spot on a *Scooty* carrying cartons, and his active participation in transferring the recovered boxes containing psychotropic substances into the Eco Van, clearly indicates his conscious possession and involvement in the alleged trafficking activity. The recovery of commercial quantity of Alprazolam and Tramadol from the vehicles



allegedly hired and used by the Applicant and the co-accused demonstrates a *prima facie* role attributable to the Applicant.

41. Further, the CDR analysis revealing 864 calls between the Applicant and co-accused persons, the audio recordings found in the seized mobile phones, and the transcription of recorded calls regarding the consignment on the date of recovery, strengthen the prosecution's case.

42. *At this stage, therefore, the Court cannot form any reasonable belief that the Applicant is “not guilty” of the offences alleged.*

43. The ***second parameter of the twin test*** is that the Applicant is not likely to commit the offence, if released on Bail. Given the nature of the crime and the modus operandi, it cannot be said that he is “*not likely to commit any offence*” while on Bail.

44. Given the nature of the crime, the organized manner in which the operation was conducted, the involvement of multiple accused persons, the commercial scale of the recovery (80.8 kgs comprising 16 kgs Alprazolam and 64.8 kgs Tramadol), and the established modus operandi involving procurement and large-scale supply across Delhi-NCR and other parts of the country, it cannot be said that the Applicant is “not likely to commit any offence” while on Bail. The offence of drug trafficking is a menace to society, and the legislative intent behind Section 37 is to keep such offenders from returning to their nefarious activities.

45. The Applicant has emphasized that there is delay and asserted that the trial may take long, which entitles him to Bail. Applicant’s direct involvement in transportation for contraband substances establishes a *prima facie* case that cannot be overlooked merely on the ground of duration of custody. There may be Prosecution Witnesses who are yet to be examined,



but the time being taken in conclusion of trial may be one of the relevant factors, but the same has to be weighed in the context of gravity of offence.

46. While it is established from various judgments that delay in conclusion of trial is one of the grounds for Bail, here is a case where a huge recovery of about 80.8 kgs of Aplrazolam and Tramadol was made.

47. In Criminal Appeal No.(s) 154-157 of 2020, State of Kerala vs. Rajesh and Ors., the Apex Court has held liberal approach in the matter of Bail under the NDPS Act, is uncalled for. The Apex Court in Anil Kumar Yadav vs. State (N.C.T.) of Delhi and Another, 2018(1) SCC 117 observed that in serious crimes, the mere fact that the accused is in custody for more than one year, may not be a relevant consideration to release the accused on Bail.

48. Considering that that Applicant was arrested on 14.12.2022, the Chargesheet has already been filed, Charges have been framed and that the matter is ongoing for Prosecution Witnesses, it cannot be said that there is inordinate delay in the trial; rather it is proceeding at its pace.

49. The Apex Court in Narcotics Control Bureau vs. Kashif, (2024) 11 SCC 372, has observed as under:

“50.5. Any procedural irregularity or illegality found to have been committed in conducting the search and seizure during the course of investigation or thereafter, would by itself not make the entire evidence collected during the course of investigation, inadmissible. The court would have to consider all the circumstances and find out whether any serious prejudice has been caused to the accused.”



50. Similarly, the Apex Court in State of Karnataka vs. Sri Darshan, 2025 SCC OnLine SC 1923, has held that a procedural lapse, by itself, does not justify the grant of Bail in cases involving serious offences.

51. In view of the above analysis, considering the recovery of a commercial quantity of contraband, the strong *prima facie* case against the Applicant, the failure to meet the mandatory twin conditions laid down in Section 37 NDPS Act, no case is made out for grant of Bail.

52. It is clarified that the observations made herein are confined to the present Bail Application and shall have no bearing on the merits of the case. Also, before concluding it may be observed that an endeavour be made by the Ld. Trial Court for expeditious disposal of the matter.

53. The present Bail Application is devoid of merit and is accordingly **dismissed**.

54. Pending Application(s), if any, are accordingly disposed of.

NEENA BANSAL KRISHNA, J.

DECEMBER 8, 2025/h