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

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*Judgment reserved on: 04.12.2025**Judgment pronounced on: 09.12.2025**Judgment uploaded on: 09.12.2025*+ **BAIL APPLN. 4092/2025**

AKHTARUL SEIKH

.....Petitioner

Through: Mr. Aditya Aggarwal, Mr.
Vijay Kinger and Mr. Naveen
Panwar, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State with SI Ankit Kumar

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The applicant has preferred this application, seeking grant of regular bail in case arising out of FIR bearing no. 56/2024, registered at Police Station Special Cell, Delhi, for the commission of offence punishable under Sections 21/22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereafter '*NDPS Act*'] and Section 174A of Indian Penal Code, 1860 [hereafter '*IPC*'].

2. Briefly stated, the facts of the present case as per the prosecution are that on 21.02.2024, specific intelligence was received



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by the Special Cell, Saket, Delhi, regarding three inter-state drug suppliers arriving near Rajghat Depot, Delhi, to deliver a consignment of heroin. Acting upon this information, a trap was laid by the Special Cell team, and around 3:00 PM, three individuals, i.e. Prakash Paudyel, Arjun Paudyel, and Dilli Ram were apprehended from near the Rajghat Depot main gate. Notices under Section 50 of the NDPS Act were served upon them, but all three refused to have their search conducted before a gazetted officer or Magistrate. Nevertheless, ACP/SR arrived at the spot, and searches were conducted in his presence. Three transparent polythene bags containing brown-coloured powder were recovered – one from each accused – which upon field testing was found to be crude heroin. Each bag weighed 5 kg, totalling 15 kg of heroin. Consequently, the present FIR was registered.

3. During investigation, disclosure statements of the arrested accused persons were recorded. Accused Prakash Paudyel disclosed that he had procured heroin from Daju Kuki @ Raju, Herojeet, Opu, Mohandai and Laxman, all residents of Senapati, Manipur, belonging to the Kuki community. On their directions, he, along with co-accused Arjun Paudyel and Dilli Ram, had transported the consignment for delivery to Delhi-based contacts, including Montu @ Sanjay Saha, Naseem Sheikh, Aktarul Seikh (the present applicant), and Raitul. It was also disclosed that on a prior occasion, the applicant and his associates had received a similar narcotic consignment in areas of Farakka, Malda, and Kaliachak (West



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Bengal). Further investigation revealed that the present consignment was brought from Manipur to Delhi to gain higher profits due to greater market value. Another accused, Sanjay Kumar Saha, was apprehended on 02.03.2024 at the instance of accused Prakash, but no narcotic substance was recovered from him.

4. Thereafter, raids were conducted at the residences of the co-accused Naseem Sheikh and the present accused Aktarul, but both were found absconding. Notices under Section 67 of NDPS Act were pasted at their residences on 10.03.2024. However, neither of them joined the investigation. Non-Bailable Warrants (NBWs) were issued against the applicant and co-accused Naseem Sheikh on 03.04.2024. Subsequently, the co-accused Naseem Seikh was apprehended from West Bengal on 14.04.2024. Thereafter, first charge-sheet in the present case was filed on 17.08.2024. The applicant herein was declared 'absconder' by the learned Trial Court *vide* its order dated 24.09.2024 and then supplementary charge-sheet was filed on 17.12.2024. During the course of investigation, the petitioner had been apprehended from Zaika Restaurant, Danga, Malda, West Bengal on 09.10.2025. Notice under Section 50 of NDPS Act was served upon him, but he declined to be searched before a gazetted officer or Magistrate. No narcotic substance could be recovered from his possession and after all due formalities, he was arrested on 09.01.2025.

5. The learned counsel appearing on behalf of the applicant



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argues that the applicant has falsely been implicated in the present case, and that he has been in judicial custody for about 11 months. It is argued that he has been arrested on the basis of disclosure statements of co-accused persons, and no narcotic or psychotropic substance was recovered from the possession of the applicant. It is also contended that the applicant had no connectivity through any bank transactions or through chats with any of the co-accused persons. Moreover, the prosecution has only shown the CDR connectivity with Daju Kuki @ Raju (alleged supplier of narcotic substances), and the intercepted conversation between them does not advance the case of prosecution in any manner. It is therefore prayed that the applicant be granted regular bail.

6. The learned APP for the State, on the other hand, argues that the name of the applicant was disclosed by the co-accused persons, and the applicant has been found having CDR connectivity with supplier Daju Kuki @ Raju and he was having conversations with him regarding supply of heroin. It is also pointed out that he was declared 'absconder' by the learned Trial Court and could be arrested only in January 2025. It is therefore prayed that the present bail application be rejected.

7. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material available on record.

8. After hearing the submissions and examining the material on



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record, this Court is of the view that the record reveals that a total of 15 kg of heroin was recovered from the three co-accused persons by the raiding team pursuant to receipt of secret information, which is commercial quantity of narcotic substance. The applicant has been specifically named by the arrested co-accused persons in their disclosure statements as one of the intended recipients of the consignment and as a person who had, on earlier occasions, also received narcotic consignments in West Bengal.

9. It is further noted by this Court that during investigation, the applicant was found to have CDR connectivity and telephonic communication with the alleged supplier, Daju Kuki @ Raju, who is stated to be a key link in the narcotics supply chain originating from Manipur. The applicant had allegedly used mobile numbers 86*****23 and 92*****71, and calls were traced between him and the said supplier, who was found using mobile numbers 88*****21 and 87*****09. Although the mobile numbers used by the applicant were registered in the names of third persons whose physical verification could not be completed, the intercepted communications revealed incriminating conversations between the applicant (using 86*****23) and co-accused Daju Kuki @ Raju (using 88*****21), wherein discussions regarding the delivery of narcotic substances were allegedly made. In view of these materials, the nature of the applicant's telephonic contact with the alleged supplier, Daju Kuki @ Raju, cannot, at this stage, be considered insignificant or irrelevant, particularly in the backdrop of the recovery of a large



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commercial quantity of heroin from the co-accused and their disclosure statements naming the applicant as one of the intended recipients.

10. The conduct of the applicant during the course of investigation also weighs against him. Despite the issuance of notice under Section 67 of the NDPS Act and repeated efforts by the investigating agency, the applicant did not join the investigation and he was later declared an “absconder” by the learned Trial Court on 24.09.2024. He was apprehended only on 09.01.2025. Such conduct reflects a likelihood of evasion, and raises reasonable apprehension that, if released on bail, he may again abscond or attempt to derail the investigation or trial.

11. This Court is also conscious of Section 37 of the NDPS Act, which imposes twin conditions for grant of bail in cases involving commercial quantity. At this stage, the Court is unable to record any satisfaction that the applicant is not *prima facie* involved in the offence or that, if released, he is not likely to commit any further offence. The quantity recovered, the disclosures of co-accused persons, which are corroborated by the applicant’s CDR connectivity with the alleged supplier of narcotic substance, and the conduct of applicant and the fact that he was declared ‘absconder’ by the Trial Court weighs against the grant of bail to the applicant.

12. The trial in the present case is yet to begin, and prosecution witnesses are yet to be examined. Considering the overall facts and



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circumstances, this Court is not inclined to grant regular bail to the applicant at this stage.

13. Accordingly, the present bail application stands dismissed.

14. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

15. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
DECEMBER 09, 2025/vc