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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4266/2025**

SHASHI SAINI

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate.
Versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **10.11.2025**

CRL.M.A. 33114/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant seeks grant of regular bail in FIR bearing No.78/2025, registered at Police Station Crime Branch, Delhi for the commission of offences punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'NDPS Act').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, the facts of the present case are that on 03.04.2025, acting upon secret information, the Crime Branch had conducted a raid during which 25.420 kg of ganja was recovered from one Umesh Sahni, which he was allegedly carrying in three pitthu bags. It is the case of prosecution that during investigation, co-accused Umesh had disclosed that he used to supply ganja to the present applicant Shashi, who is a main



supplier of narcotic substances to consumers in Delhi-NCR. Acting on this information, raids were conducted to trace the present applicant, but he could not be found.

6. During the investigation, the applicant was called to join the investigation on 09.05.2025 and again on 10.05.2025, but he did not appear despite repeated calls made to him on his mobile number. A notice under Section 67 of NDPS Act was also served upon the applicant's wife on 12.05.2025, pursuant to which he appeared on 13.05.2025 along with his counsel. It is, however, alleged that he did not cooperate with the investigation. The applicant had filed three anticipatory bail applications before the learned Sessions Court; however, one was dismissed as withdrawn and two were dismissed on merits.

7. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case. It is argued that the applicant is not named in the FIR, and the only material against the applicant is the disclosure statement of the co-accused, which is otherwise inadmissible as evidence. It is further argued that neither any Call Detail Records (CDRs) nor any money trail has been discovered which can directly link the present applicant to either the alleged offence or any co-accused person. It is also submitted that the applicant had joined the investigation on 13.05.2025. Therefore, it is prayed that the present application be allowed.

8. Per contra, the learned APP appearing for the State argues that 25.420 kgs of ganja had been recovered from the possession of the co-accused, Umesh Sahni, which is a commercial quantity. It is argued that the recovered narcotic substance was to be supplied to the present applicant, who is engaged in the sale of narcotic substances. It is argued that the CDR



analysis also reveal that the applicant was in contact with the co-accused Umesh. Moreover, it is contended that the applicant has failed to join the investigation, and that Non-Bailable Warrants had been issued against him and relevant proceedings under Section 82 of Cr.P.C. have also been initiated. Therefore, it is prayed that the present application be dismissed.

9. This Court has **heard** arguments addressed on behalf of applicant and the State, and has perused the material on record.

10. In the present case, this Court notes that 25.420 kgs of ganja, concealed in 3 pitthu bags, was recovered from the possession of the co-accused Umesh Sahni, which is a “commercial quantity” within the meaning of Section 2(viia) of the NDPS Act. The allegations against the present applicant are that he was a prime receiver of the recovered ganja and he used to sell narcotic substances, which was being supplied to him by the co-accused. As alleged, the CDR analysis, at this stage, has revealed that the applicant herein was in contact with the mobile number of the wife of co-accused Umesh.

11. This Court further observes that the applicant had been called to join the investigation initially on 09.05.2025 and 10.05.2025, but he did not appear before the investigating officer. A notice under Section 67 of NDPS Act had also been served on his wife on 12.05.2025, and it was only pursuant thereto that the applicant had appeared before the I.O. on 13.05.2025 along with his counsel, however he allegedly did not cooperate with the investigation. Pursuant to grant of interim protection by the learned Sessions Court also, the applicant did not join the investigation. The said findings are duly recorded in the order dated 24.05.2025 passed by the learned Sessions Court. Furthermore, this Court has been informed by the



learned APP for the State that Non-Bailable Warrants were also issued against the applicant and proceedings under Section 82 of Cr.P.C. have also been initiated against him.

12. Insofar as the contention on behalf of applicant that the applicant has been implicated solely based on a disclosure statement of a co-accused is concerned, this Court finds the same unmerited at this stage. In this regard, this Court takes note of the decision of the Hon'ble Supreme Court in State of *Haryana v. Samarth Kumar: 2022 SCC OnLine SC 2087* wherein, while expressing that the accused may be entitled to take benefit of decision in case of *Tofan Singh v. State of Tamil Nadu: (2021) 4 SCC 1* at the time of hearing of regular bail applications or during the course of trial, the Hon'ble Supreme Court had set aside the orders granting anticipatory bails to the accused persons therein, in a case registered for offence under Sections 17/27A/85 of NDPS Act, which was granted on the premise that accused were being implicated solely on the basis of disclosure statement of co-accused.

13. Therefore, in view of the foregoing discussion, this Court finds that no case for grant of anticipatory bail is made out.

14. The present application is accordingly dismissed.

15. It is, however, clarified that nothing observed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 10, 2025/A