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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4267/2025 & CRL.M.A. 33050/2025**
MANU AGARWALPetitioner

Through: Mr. Kartik Mishra, Mr. Pankaj
Gochar and Mr. Yash Sharma,
Advocates.

versus

THE STATE NCT OF DELHIRespondent
Through: Mr. Amit Ahlawat, APP.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
22.12.2025

1. This Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 127/2025 dated 13th May, 2025, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985³ and Sections 7/20 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003⁴ at P.S. Delhi Cantt.

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

2.1. On 12th May, 2025, based on secret information received by the Anti-

¹ "BNSS"

² "CrPC"

³ "NDPS Act"

⁴ "COTPA Act"



Narcotics Task Force, a raid was conducted concerning illegal storage and supply of banned narcotic drugs and prohibited imported cigarettes under the guise of a courier business operating from West Mehram Nagar, New Delhi. The information disclosed that one Sanjay Kumar was storing and supplying Alprazolam, Zolpidem and other illegal drugs through his courier office, besides dealing in banned cigarettes.

2.2. During the raid, Sanjay was apprehended from his courier office and, upon search of a godown at West Mehram Nagar, a large quantity of prohibited cigarettes and banned medicines was recovered. Sanjay failed to produce any licence or valid documents. The recovery included 66.6 grams of Alprazolam and 164.9 grams of Zolpidem. This led to registration of the present FIR and Sanjay was arrested, who disclosed his involvement in illegal supply of restricted medicines through courier channels.

2.3. During investigation, on the basis of manufacturing details on the medicine, the manufacturer was identified as M/s Digital Vision. They confirmed that the recovered batches had been sold to two firms in Uttar Pradesh, namely Chandra Pharma, Balrampur and Hanumant Pharma, Gonda. The proprietor of Hanumant Pharma was identified as the Applicant. Raids were thereafter conducted at these places. The proprietors, including the Applicant (of Hanumant Pharma), were apprehended. During enquiry, neither GST bills nor stock registers relating to the restricted/NRX medicines were produced. The proprietor of Chandra Pharma, Ajeet Pratap Singh, disclosed that he was induced by the Applicant to jointly deal in wholesale supply of NRX medicines without bills for higher profits. The Applicant procured restricted medicines in bulk and sold them, without bills, to Sanjay Panday and one Shukla in Delhi at higher rates, knowing that the



medicines would be further exported abroad through courier channels.

2.4. Further investigation revealed that since March 2024, the Applicant had allegedly been purchasing NRX medicines on a wholesale basis from the manufacturer and dispatching them *via* courier without maintaining relevant records. As per the courier company “*OnDot*”, the consignments were collected in Delhi by one Surjeet, who is presently absconding. The chargesheet has been filed, the case property has been sent to FSL Rohini, and the forensic report is awaited.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated and that no recovery has been effected from his possession or premises. It is contended that the rigours of Section 37 of the NDPS Act are not attracted, as the quantity involved is intermediate and moreover, the entire case against the Applicant rests solely on the alleged disclosure statements of the co-accused Sanjay, from whom the psychotropic substances were allegedly recovered. Pertinently, the seized batch of NRX medicines recovered from Sanjay was never delivered to the Applicant and did not form part of his inventory at any stage. The Applicant’s name does not figure in the FIR, he has no criminal antecedents, and there is no direct, independent or corroborative material linking him to the recovered contraband.

4. Mr. Amit Ahlawat, APP for the State, on the other hand, opposes the application and submits that the investigation has revealed a clear and direct link between the psychotropic substances recovered from co-accused Sanjay and the Applicant. It is contended that the batch numbers of the seized Zolpidem tablets were traced to the manufacturer, M/s Digital Vision, who confirmed that part of the recovered medicines had been consigned to



Hanumant Pharma, Gonda, a proprietary concern of the Applicant. On this basis, it can be concluded that the Applicant is an integral part of the supply chain and is liable for the offences alleged under Section 29 of the NDPS Act, despite the absence of physical recovery from him.

5. Mr. Ahlawat further submits that the Applicant's role stands corroborated by material collected during investigation, including disclosure of co-accused Ajeet Pratap Singh and the manufacturer's records, which indicate that the Applicant had been purchasing restricted/NRX medicines on a wholesale basis since 2024 without maintaining statutory records such as GST bills or stock registers. The Applicant procured such medicines at cheaper rates and supplied them, without bills, to co-accused Sanjay Panday and one Shukla in Delhi through courier channels, with knowledge of their onward illegal distribution. It is further submitted that the investigation with respect to Surjeet, who allegedly collected the consignments in Delhi, is still pending and that the release of the Applicant at this stage may hamper the ongoing investigation and efforts to trace the said individual. Thus, the Applicant should not be enlarged on bail.

6. The Court has considered the submissions advanced and perused the material placed on record. At the outset, it is evident that the prosecution case against the Applicant does not stem from any recovery effected from his possession or premises. The recovery of psychotropic/NRX medicines was effected from co-accused Sanjay, whose disclosure led the investigating agency to trace the manufacturing batches of the seized medicines to M/s Digital Vision.

7. The material placed by the prosecution shows that the manufacturer had issued consignment notes in respect of some medicines in question in



the name of Hanumant Pharma, a proprietary concern of the Applicant. However, Mr. Ahlawat, on instructions, fairly submits that as per the records of the courier company “OnDot”, which was used for transportation of the said consignments, the medicines were not delivered at the address of the Applicant. The delivery was taken by one Surjeet, who is presently not traceable, and as per the prosecution case, the consignments were thereafter handed over to co-accused Shukla and Sanjay Panday.

8. Thus, at this stage, except for the disclosure statements of the co-accused, and the consignment note issued by the manufacturer, no independent documentary or corroborative material has been brought on record to show that the seized NRX medicines, or the specific batches in question, were ever received by, reflected in the inventory of, or found in the possession or control of the Applicant. Whether the Applicant is part of a larger conspiracy wherein consignments were booked in his firm’s name but deliveries were taken by a third party acting as an intermediary for ultimate illegal distribution is a matter which would require appreciation of evidence and is to be established during trial. It is also a relevant circumstance that the chargesheet has already been filed and the investigation stands concluded.

9. The Court further notes that the quantity recovered from co-accused Sanjay falls in the intermediate quantity category. Consequently, the rigours of Section 37 of the NDPS Act are not attracted to the present case, and the bail application is required to be considered on the settled principles governing grant of bail under Section 439 CrPC (corresponding to Section 483 BNSS).

10. It is well settled through a catena of judgments of the Supreme Court that the object of grant of bail is neither punitive nor preventive, but to



secure the presence of the accused during trial.⁵ As per Nominal Roll as on 16th December, 2025, the Applicant has undergone custody of 6 months and 7 days, his jail conduct has been reported to be satisfactory, and he has no criminal antecedents. Considering the nature of allegations, the stage of proceedings, the chargesheet having been filed, and the fact that the accusations are yet to be tested on evidence, this Court is of the considered view that continued incarceration of the Applicant is no longer warranted.

11. The Applicant is, therefore, 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;
- 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;

⁵ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



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 the second Friday every third month.

12. 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.

13. 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.

14. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 22, 2025

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