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

+ **BAIL APPLN. 4292/2025**

MANDEEP SINGH GILL

.....Petitioner

Through: **Mr. Raghav Chadha, Advocate**

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: **Mr. Arun Khatri, Sr Standing Counsel
NCB, with Ms. Poonam Rani, Tracy
Sebastian, Anoushka Bhalla,
Advocates**

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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17.11.2025

CRL.M.A. 33268/2025, CRL.M.A. 33269/2025 & CRL.M.A. 33270/2025
(exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. By way of the present application, the applicant is seeking grant of anticipatory bail in case bearing number VIII/04/DZU/2025, registered by Narcotics Control Bureau (hereafter 'NCB'), for offence punishable under provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'NDPS Act').
4. Brief facts of the case, as per prosecution, are that one parcel



containing 342.25 grams of opium had been booked with DHL Express, and during investigation it was found that the parcel had been booked by co-accused Pawandeep Kaur Gill, the real sister of the applicant. On 12.02.2025, the NCB team had visited the residence of the applicant to serve a notice under Section 67 of the NDPS Act upon the said co-accused; however, she allegedly ran away upon seeing the officials. The NCB team then conducted a search of the applicant's house, during which 122 grams of poppy straw was recovered from his room in the presence of an independent witness. It was further revealed that the parcel in question had been booked jointly by the applicant herein and his sister. A notice under Section 67 of the Act was served upon the applicant on 12.02.2025 through his mother. Since both the applicant and the co-accused had fled from the house and the applicant was not joining investigation, the Court had then issued NBWs against him on 02.06.2025, followed by proclamation proceedings under Section 84 of BNSS, 2023 on 08.07.2025 and again on 08.09.2025.

5. The learned counsel appearing for the applicant/accused contends that the alleged recovery of 122 grams of poppy straw from the room of the applicant cannot be attributed to him, as he did not have exclusive possession of the said room. It is argued that the house from which the recovery was made was occupied by several family members, and the room in question was not under the exclusive control of the applicant/accused. It is further submitted that, in any event, the alleged recovery pertains only to an intermediate quantity of contraband, and therefore the rigours of Section 37 of the NDPS Act are not attracted. The learned counsel also submits that the applicant is willing to cooperate with the investigation. It is argued that the applicant is innocent and that no incriminating material has emerged against



him to justify his arrest or custodial interrogation. Thus, it is prayed that the bail application be allowed.

6. The learned SSC appearing for the NCB opposes the application, and argues that the applicant had booked the parcel containing 342.25 grams of opium along with the co-accused and that a further recovery of 122 grams of poppy straw was made from his room. It is contended that the applicant evaded investigation despite service of notice under Section 67 of the NDPS Act, which necessitated issuance of NBWs and proclamation proceedings under Section 84 of BNSS. It is contented that, in view of his conduct and the settled position of law that anticipatory bail is ordinarily impermissible in cases under NDPS Act, the present bail application ought to be rejected.

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

8. In the present case, this Court notes that the allegations against the accused persons are that a parcel containing 342.25 grams of opium, i.e., an intermediate quantity within the meaning of the NDPS Act, had been booked by the present applicant along with co-accused Pawandeep Kaur Gill, who is the real sister of the applicant. Significantly, the role attributed to the applicant herein is that a recovery of 122 grams of poppy straw was effected from his room. It is further noted that despite service of notice under Section 67 of the NDPS Act, the applicant did not join the investigation. Non-Bailable Warrants were thereafter issued to secure his presence; however, the same could not be executed. Proceedings under Section 84 of the BNSS have also been initiated against the applicant.

9. Further, in this Court's opinion, the learned Sessions Court has rightly



taken note of the decisions of Hon'ble Supreme Court in *State of Haryana v. Samarth Kumar*: 2022 SCC OnLine SC 2087 and *Anarul S.K. v. State of West Bengal*: SLP(Crl.) 12621/2021, wherein the Supreme Court has held that anticipatory bail is ordinarily not to be granted in cases under the NDPS Act.

10. It is also pertinent to note that the bail application of co-accused Pawandeep Kaur Gill was dismissed on merits by a Coordinate Bench of this Court *vide* order dated 11.07.2025 in BAIL APPLN. 2430/2025, and the Special Leave Petition preferred by her was also dismissed by the Hon'ble Supreme Court on 25.07.2025 in SLP (Crl.) No. 10774/2025.

11. Therefore, considering the overall facts and circumstances of the case, this Court finds no ground to grant anticipatory bail to the present applicant.

12. Accordingly, the bail application is dismissed.

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

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 17, 2025/zp

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