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

+ BAIL APPLN. 4314/2025 & CRL.M.A. 33393/2025

RISHABH SINGHApplicant

Through: Mr. Anil Hooda and Mr.
Satendra Singh Baghel,
Advocates.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav and Mr.
Lalit Luthra, Advocates.
SI Vikas Kumar, PS
Special Cell.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **12.11.2025**

1. The present application is filed seeking pre-arrest bail in FIR No. 140/2025 dated 28.04.2025, registered at Police Station Special Cell for offences under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**').
2. Brief facts of the case are that on the basis of secret information a raid was conducted and accused Vishal Suji and Vinay Kumar Pandey were apprehended. During search of accused Vishal Suji, one polythene containing 498 grams of drug Amphetamine was recovered from his possession and one black colour bag containing 343 grams of Amphetamine was recovered from the possession of accused Vinay Kumar Pandey.
3. During the course of investigation, it was disclosed by accused Vishal Suji that the applicant and one Manoj Mishra @ Prince were the source of the contraband and had finalised a deal



with him to supply 1 kg of Amphetamine to him to further sell the same to his customers, a few days before he was apprehended. He had further disclosed that the applicant had informed him that one Vinay Kumar Pandey will deliver the contraband to him.

4. The learned counsel for the applicant submits that the petitioner is an innocent person with clean antecedents and has no nexus with the commission of offence in the present case.

5. He further submits that the applicant has not been named in the FIR and has only been implicated on the basis of disclosure statement of accused Vishal Suji. He further submits that no recovery of contraband has been effectuated from the applicant.

6. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant and submits that the investigation regarding the role of the applicant is yet to be completed.

7. He submits that there is CDR connectivity and WhatsApp chats between the applicant and other accused persons which clearly indicates the involvement of the applicant.

8. He submits that the applicant has not cooperated with the investigation, due to which, proceedings under Section 84 of the BNSS have already been initiated against him.

9. He submits that the allegations against the accused are grave and serious in nature and custodial interrogation of the applicant is required for the purpose of investigation.

10. I have heard the counsel and perused the record.

11. The considerations governing the grant of pre-arrest bail



are materially different than those to be considered while adjudicating application for grant of regular bail, as in the latter case, the accused is already under arrest and substantial investigation is carried out by the investigating agency.

12. In the present case, on the basis of a secret information, a raid was conducted and accused Vishal Suji and Vinay Kumar Pandey were apprehended and from their possession a recovery of 498 grams and 343 grams of Amphetamine respectively was effected. During the course of the investigation, accused Vishal Suji disclosed that the applicant and co-accused Manoj Mishra @ Prince had finalised a deal for a supply of 1 Kg Amphetamine to him. Further, as per the disclosure of accused Vishal Suji, the applicant had also informed him that co-accused Vinay Kumar Pandey would be delivering the contraband to him.

13. The learned counsel for the applicant has emphasised that the applicant has no role to play in the present offence and the only material against the applicant is the disclosure statement of the co-accused persons which is not admissible as evidence without corroboration.

14. It is not in doubt that in accordance with the dictum of the Hon'ble Apex Court in ***Tofan Singh v. State of Tamil Nadu : (2021) 4 SCC 1***, a disclosure statement made under Section 67 of the NDPS Act is not permissible as evidence. The benefit of non-admissibility of the disclosure statement however, in the opinion of this Court, is not available to the accused at the stage of considering the application for grant of pre-arrest bail.

15. While the disclosure statement by itself may not be sufficient for the purpose of conviction, the same nevertheless



forms a key point in commencing the investigation. Criminal investigations, especially those falling under the purview of NDPS Act, often find their genesis on the disclosure statement of one or more accused persons which subsequently leads to recovery of further material or corroborative evidence. In such circumstances, the investigation cannot be paralysed merely because at the inception of the case, the only material available against the accused is the disclosure statement of the co-accused persons.

16. Consequently, when the investigation is at the nascent stage, the said argument is not available to the accused since the investigating agency has not even been afforded the opportunity to collect the corroborative evidence. The position is especially so when the applicant has failed to join the investigation. As pointed out by the learned Additional Public Prosecutor for the State, the applicant failed to join the investigation and the process under Section 84 of the BNSS has also been initiated against the applicant. It has also been pointed out that there is a presence of CDR connectivity between the applicant and other co-accused persons.

17. It is not in dispute that in the present case a recovery of commercial quantity of contraband was effected. Granting pre-arrest bail, in such circumstances, would unnecessarily impede the investigation.

18. Consequently, even though, at this stage, the implication of the applicant is based primarily on the disclosure statements of the co-accused, the investigation cannot be thwarted and the investigating agency needs to be given a fair play in the joints to



investigate the matter in the manner they feel appropriate.

19. Considering the aforesaid discussion, this Court is of the opinion that no case is made out for grant of pre-arrest bail to the applicant.

20. The present application is accordingly dismissed.

21. 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 not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

NOVEMBER 12, 2025

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