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

\+ BAIL APPLN. 4502/2024 & CRL.M.(BAIL) 2075/2024

SUNIL KUMAR .....Petitioner

Through: Mr. Shivam & Mr. Abu Bakar Ali, Advs.

versus

THE STATE (NCT OF DELHI) THROUGH SHO CRIME BRANCH, NORTH EAST DISTRICT, DELHI & ANR. .....Respondents

Through: Ms. Shubhi Gupta, APP for the State. SI Rajendra Kumar, PS Crime sBranch.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

<u>O R D E R</u>

% **02.04.2025**

1. This hearing has been done through hybrid mode.

2. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks anticipatory bail in case FIR No. 0065/2024 under Sections 22(C)/25/27/29 of the NDPS Act and Section 201 of the IPC registered at P.S. Crime Branch.

3. On 15.01.2025, this Court had passed the following order:-

> "5. Vide order dated 09.12.2024, notice was issued in the present application, pursuant to which a status report has been filed. A perusal of the status report dated 16.12.2024 would reflect that the case of the prosecution is that on the basis of secret information a raid was conducted at Aggrawal Sweets, Brijpuri, New Mustafabad, Delhi, where one Rajender Prasad was apprehended with 18 kgs of Alprazolam powder, which is stated to be a psychotropic substance under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').
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> 6. During the course of the investigation, various other persons were

> interrogated, including one Namrita Sharma, who is the owner of M/s Nityanta Pharma & Drugs Pvt. Ltd. As per the status report, during the course of the investigation, the said Namrata Sharma produced a bill to the Investigating Officer regarding supply of pharmaceutical raw materials to one M/s Biocase Foods & Extracts Pvt. Ltd, which company had supplied the aforesaid psychotropic substance to the other co-accused person – Deepak Kumar. It is the case of the prosecution that the said Namrata Sharma in her interrogation had stated that she sold 957 kgs of pharmaceutical raw materials which are used in the manufacture of the said psychotropic substance to M/s Ambrons Pharma Pvt. Ltd., which is the company owned by the present applicant.
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> 7. On a pointed query to the Investigating Officer, who is present in Court today, on the question whether the applicant's company is connected with the contraband recovered in the present FIR No. 0065/2024 registered at P.S. Crime Branch, North East Delhi and the subject of the aforesaid investigation, it is stated that it is not so connected. On a further pointed query, it is stated that the raw materials which are said to have been supplied to the present applicant are not banned.
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> 8. Learned APP for the State submits that notice under Section 67 of the NDPS Act was given to the applicant, however, he did not join the investigation.
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> 9. Learned counsel appearing on behalf of the applicant submits that the latter is ready and willing to join the investigation as and when directed by the Investigating Officer.
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> 10. On the applicant joining the investigation on 18.01.2025 at 11 A.M., at ANTF Office, Old P.S. Kotwali, Daryaganj and, thereafter, as and when directed by the Investigating Officer by way of notice in writing, no coercive action shall be taken against the applicant till the next date of hearing."

4. Learned counsel appearing on behalf of the applicant submits that in pursuance of the aforesaid order, the latter has joined investigation and extended his cooperation.

5. Status report dated 02.04.2025 authored by SI Rajendra Kumar, ANTF, Crime Branch, has been handed up in Court and the same is taken on record.

6. Learned APP on instructions from the Investigating Officer submits that the role of the applicant has been thoroughly investigated in the present

FIR and it has been found that he is not involved in the present FIR. It is submitted in the status report which has been placed on record, that the applicant who is the proprietor of Ambrons Pharma Pvt. Ltd. had engaged in fraudulent GST billing practices, for which necessary legal action as per the GST Act has been requested against the aforesaid company.

7. Be that as it may, since no allegations have been made against the applicant in the present FIR, the application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the Investigating Officer/Arresting Officer/Trial Court/ Link Court further subject to following conditions:

i. The applicant shall not leave the country without prior permission of the learned Trial Court.

ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.

iv. The applicant shall join the investigation as and when called by the Investigating Officer concerned.

v. The applicant will not try to influence the witnesses in any manner.

vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

8. The application is allowed and disposed of accordingly.

9. Pending application(s), if any, also stand disposed of.

10. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.

11. Order be communicated to the concerned Investigating Officer for necessary information and compliance.

12. Order be uploaded on the website of this court *forthwith.*

AMIT SHARMA, J

APRIL 2, 2025/nk/sc

Click here to check corrigendum, if any