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

+ **BAIL APPLN. 4601/2025 & CRL.M. (BAIL) 2362/2025**

RAJINDER CHITKARA

.....Petitioner

Through: Mr. Amit Chadha, Senior Advocate
with Mr. Rajat Manchanda, Mr.
Snehal Kumar Singh, Ms. Sakshi, Ms.
Munisha Chadha, Mr. Atin Chadha,
Mr. Harjas Singh, Mr. Dhruv Tomar,
Advocates.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Arun Khatri, SSC with Ms.
Shelly Dixit, Mr. Krish Mahagan,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.11.2025

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1. The present application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of
Criminal Procedure, 1973²) seeks regular bail in proceedings arising from
NCB Case No. VIII/17/DZU/2025 registered under Sections 8, 22, 23 & 29
of Narcotics and Psychotropic Substances Act, 1985.³

2. The case of the prosecution, in brief, is that on 16th April, 2025, acting
on secret information, the NCB seized 507 grams of amphetamine from a
parcel at Aramax India Pvt. Ltd., Dwarka. During investigation, the

¹ "BNSS"

² "Cr.P.C."



statement of Arun Grover, the booking agent, under Section 67 of the NDPS Act disclosed that the parcel had been booked by the Applicant, Rajinder Chitkara. A notice under Section 67 was thereafter issued to him, and in his statements recorded on 17th and 18th April, 2025, he admitted to packing the parcel and stated that the cloth bundle had been handed over to him by an African national known as King. He was arrested on 18th April, 2025, after being informed of the grounds of arrest, and was produced before the Duty JMFC the same day, where the NCB sought four days' police custody. By order dated 18th April, 2025, the JMFC granted three days' police custody remand. Based on the Applicant's disclosure, the NCB apprehended Emanuel Enuma Dike @ King from his residence in Gurugram, where a search led to the recovery of concealing material and notebooks allegedly connected to drug trafficking.

3. Mr. Amit Chadha, Senior Counsel for the Applicant, submits that the Applicant is not pressing the bail on merits and confines the challenge to the legality of the arrest, contending that the grounds of arrest were neither furnished to the Applicant nor communicated to his family members in writing; that the arrest is in violation of Sections 36(b)(i) and 36(c) of the BNSS; and that the Trial Court, while granting remand, failed to record a meaningful satisfaction regarding supply of the grounds of arrest, having done so in a perfunctory and stereotype manner.

4. Mr. Arun Khatri, SSC for the State, opposes the Application and submits that the arrest memo clearly records that the grounds of arrest were explained to the Applicant and that he had telephonically informed his family members. The Trial Court's remand order expressly acknowledges

³ "NDPS Act"



supply of the arrest memo and grounds of arrest to both the accused and their counsel. It is submitted that the recovered quantity is commercial, the investigation indicates the Applicant's role as part of a drug syndicate, and that no infirmity in the arrest or remand process has been demonstrated so as to justify grant of bail.

5. The Court has considered the aforementioned submissions. The arrest memo notes as follows:

NCB CASE NO. - VIII/17/DZU/2025

Dated- 18.04.2025

ARREST MEMO

Consequent upon the recovery of 507 gm to be Amphetamine at Aramax India Pvt Ltd, Plot no. 211, Village- Bamnoi, Dwarka sector-28, New Delhi-77 on 16.04.2025. On the basis of voluntary statement of Rajinder Chitkara S/o Radhey Shyam Chitkara, R/o- 122, 1st floor, pocket 8, Swapan kunj, Kalkaji extn., New Delhi-110019 dated 18.04.2025 recorded u/s 67 of the NDPS Act 1985, having reason to believe that Rajinder Chitkara S/o Radhey Shyam Chitkara, R/o- 122, 1st floor, pocket 8, Swapan kunj, Kalkaji extn., New Delhi-110019 committed offence punishable u/s 8, 22, 23 and 29 of the NDPS Act 1985. Accordingly I place Rajinder Chitkara S/o Radhey Shyam Chitkara under arrest at the office of NCB Delhi Zonal Unit, R.K Puram, Sector-1, New Delhi on 18.04.2025 at 10:00 hrs. Before arrest grounds of his arrest have been explained to him.

I have informed my Parent.

18/4/25

18/4/25
Arresting Office/ Intelligence Officer
NCB, DZU, R K Puram, New Delhi

*I have inform my Aunt to FARMER
2 wife on Mobile no 9210268295
9911109626*

18/4/25.

6. As can be noted from the arrest memo, there is a signature affixed by



the Applicant and it categorically records that before arrest, the grounds of arrest were explained to him. At that juncture, the Applicant was also given access for telecommunication with his father and wife, as duly acknowledged by his signatures stating that he himself informed them on their respective mobile numbers.

7. Subsequently, when the Applicant was produced before the Magistrate at the stage of remand, the following order was passed:

“MLCs perused. No external injury reported. Wife of accused Rajinder Chitkara has been informed about his arrest. Friend & wife of accused Emanuel Enuma Dike @ King have been informed about his arrest. Accused Rajinder Chitkara and Emanuel Enuma Dike @King were arrested on 18.04.2025 at 10:00 & 11:00 AM respectively. Accused persons have been informed about the ground of arrest. Copy of the arrest memo and ground of arrest alongwith remand application are provided to accused persons in the Court and same have been handed over to their counsel.

An application seeking extension of PC for 04 days of the accused Rajinder Chitkara and Emanuel Enuma Dike @ King is moved by IO. It is stated that recovery of 507 gm Amphetamine has been recovered from a parcel which was booked by accused Rajinder Chitkara and the said parcel was given to him by coaccused Emanuel Enuma Dike @ King. IO further stated that during investigation booking clerk has identified accused Rajinder Chitkara as the person, who had booked the parcel in question. IO further stated that there is whatsapp chat between booking clerk, accused Rajinder Chitkara and between both accused persons regarding booking of the parcel in question as well as other contrabands. IO further submitted that investigation of the case is at initial stage and there is strong possibility of further recovery of contraband on the instance of both accused persons as well as identification of the other members of the drug syndicate those are also involved in the drug trafficking and for that accused persons are required to be taken to Delhi NCR area i.e. Noida, Gurgaon and different places of Delhi. IO further stated that in order to complete the investigation and further recovery of contraband 04 days police custody remand is required.

Arguments heard on the application. Record perused.

Considering the nature of offence and submissions of the IO, the application is partially allowed and accused Rajinder Chitkara & Emanuel Enuma Dike @ King be remanded to PC for 03 days, to be produced before court concerned/Duty JMFC on 21.04.2025. They be



medically examined as per rules.

Copy of this order be given dasti to applicant.”

8. At that juncture, the Applicant was duly represented by a counsel. The order categorically records that the copy of the arrest memo and the grounds of arrest along with the remand application were provided to the accused in Court and handed over to their counsel as well.

9. The contention regarding non-furnishing of written grounds of arrest does not impress this Court. The arrest memo reflects that the grounds of arrest were explained to the Applicant, and the remand order records that copies of the arrest memo and grounds of arrest were supplied in Court to the accused as well as counsel. No material has been shown to establish any prejudice caused. The Supreme Court in *State of Karnataka v. Sri Darshan*,⁴ has reiterated that while informing the arrested person of the grounds of arrest is mandatory, neither Article 22(1) nor Section 50 Cr.P.C. (now Section 47 BNSS) requires that such communication must invariably be in writing, and that the absence of a written communication does not, by itself, vitiate the arrest unless demonstrable prejudice or denial of a fair opportunity to defend is shown.

10. In light of the above, none of the grounds urged by Mr. Chadha persuade this Court to grant bail to the Applicant.

11. No comments have been made on the merits of the case as none have been pressed.

12. As far as the medical condition of the Applicant is concerned, the concerned Jail Superintendent is directed to provide best possible treatment

⁴ 2025 SCC OnLine SC 1702



in terms of the Jail Manual. In case the Applicant requires examination by doctors at the All India Institute of Medical Sciences, he may also be taken there for treatment.

13. With the above directions, no further directions are required.

14. Accordingly, the present bail application is dismissed along with pending application(s).

15. Copy of the order be sent to the concerned Jail Superintendent, for necessary information and compliance.

SANJEEV NARULA, J

NOVEMBER 28, 2025/ab