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

+ **BAIL APPLN. 30/2025**

RAJIV KUMAR

.....Petitioner

Through: Mr. Mutiur Rehman, Advocate.
versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State
with SI Pramod, Spl. Staff.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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26.03.2025

1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 601/2025

2. The present application under Section 483 of the BNSS and Section 439 of the Cr.P.C. read with Section 528 of the BNSS (482 Cr.P.C.) seeks the following prayers:

“(a) Grant Interim Bail for 60 days to the Petitioner/Accused in FIR No. 0147/2024 dated 11.04.2024 lodged in Police Station– Sonia Vihar, Delhi, Under Section- 22/29 NDPS Act, First Interim Bail Application.

(b) Pass any other relief/ reliefs, which this Hon’ble Court may think fit and proper in the interest of justice.”

3. Learned counsel appearing on behalf of the applicant does not wish to press the present application.

4. Accordingly, the present application is dismissed as withdrawn and disposed of.



BAIL APPLN. 30/2025

5. The present application under Section 483 of the BNSS (Section 439 of the Cr.P.C) seeks regular bail in case FIR No. 147/2024, under Sections 22/29 of the NDPS, registered at P.S. Sonia Vihar.

6. The case of the prosecution as per status report dated 10.02.2025, authored by I/C Special Staff, District-North East, Delhi is as under:

“1. That, on the basis of a Tip-Off on Dt. 10/04/2024 accused persons (1) Rahul Pal (2) Jagdeep were apprehended at Tin Market, Band Gali No. 3, Near MCD Toll, Pushta Road Sonia Vihar. Thereupon, following the procedure of NDPS Act a total of 2,40,000/- tablets of contraband psychotropic substance Alprazolam Tablets were recovered from the inside of a car jointly possessed by the accused persons Rahul Pal & Jagdeep. Consequently, the present case was registered and both the accused persons were arrested afterwards.

2. That, during investigation, accused Rahul Pal disclosed that the above said recovered contraband was bought on 10.04.2024 in Hapur, UP from one Prem Chand, who runs a medical store in Hapur, UP.

3. That, consequently PC remand of accused Rahul Pal was availed in order to apprehend/trap the source Prem Chand with more contraband.

4. That, in order to apprehend the source Prem Chand, mobile phone of accused Rahul Pal was kept open as Preme Chand (Source) was conversing with Rahul Pal through WhatsApp and normal voice call.

5. That, further, during investigation it came into light that accused Prem Chand talked to accused Pramod Kumar on 15.04.2024, who used to work in Leeford Healthcare under Rajeev Kumar (Petitioner), who is an Area Sales Manager in Leeford Healthcare.

6. That, on 16.04.2024 source Prem Chand sent a WhatsApp message to accused Rahul Pal to meet at Jewar, UP for the delivery of the contraband.

7. That, on 16.04.2024 at Main Market, Tappal Road, Jewar, UP at the instance of accused Rahul Pal (in police custody), accused Prem CHand and Pramod Kumar were apprehended and more contraband i.e., Becalm 0.5 Alprazolam Tablets of weight 59.238 Kgs (in 11 Cartons of Leeford Healthcare) were recovered from the inside of



a car jointly possessed by both the accused persons. Consequently, both Prem Chand and Pramod Kumar were arrested in the present case.

8. That, on interrogation, Pramod Kumar (who is a MR-Medical Representative) disclosed that he brought the contraband at the direction of accused Rajeev Kumar (Petitioner and also Area Sales Manager in Leeford Healthcare Pvt. Ltd.) from one Dewesh Kumar (Owner of Apollo Medicos, Jewar, UP.)

9. That, on enquiring Dewesh Kumar (owner of Apollo Medicos, Jewar, UP) identified Pramod Kumar and 11 cartons recovered from accused Pramod Kumar and Prem Chand. Dewesh Kumar further stated that Rajeev Kumar (Area Sales Manager in Leeford) is known to him since last 3 Years as he purchased Medicines of Leeford through Rajeev Kumar. Dewesh further stated that Rajeev Kumar called him and asked him to store the above said 11 Cartons, stating to contain Multivitamin medicines of some other party i.e., accused Pramod Kumar as the party was not preset in Jewar, UP. Dewesh Kumar in trust of Rajeev Kumar kept the medicines at his shop and gave the same to accused Pramod Kumar on Dt. 16.04.2024, Dewesh Kumar further stated that he was not aware of the Alprazolam Medicines inside the 11 Cartons.

10. That, on 17.04.2024 at the instance of Dewesh Kumar and accused Pramod Kumar accused Rajeev Kumar (Area Sales Manager in Leeford) was arrested from his residence i.e., Vill. Dhaniyawali, Siyana, Bulandsehar, UP.

11. That, on interrogation accused Rajeev Kumar disclosed the fact that he purposely told Dewesh Kumar that the 11 cartons sent by him contain multivitamin medicines of some other party and further asked Dewesh Kumar to keep the medicines for some time as the party was out of town. Accused Rajeev Kumar further disclosed that the contraband recovered from Pramod Kumar was bought C & F Ghazibad owned by Manoj Suri and the same were transported through a transport agency. Accused Rajeev Kumar further disclosed the involvement of Vishal Verma (owner of Vashu Pharma) in this conspiracy.

12. That, during investigation trial of sale of the above said medicines/Contraband were made and it came forward that the above said medicines, i.e., Becalm 0.5 alprazolam tablets were legally sold by Leeford Healthcare Pvt. Ltd. Ludhiana to Bajrang Agencies (C & F Ghaziabad, owned by Manoj Suri) who further sold the same to Divine Healthcare, Ghaziabad, Delhi woh further



sold the same to Adhar Pharmaceuticals (owned by Rishab Kumar Tyagi). Also, the recovered contraband is a part of the medicine lot of total 5000 boxes i.e. $5000 \times 30 \text{ Strips} = 1,50,000/- \text{ strips}$ (15 Tablets in one Strip) sold to Adhar Pharmaceuticals Co. At the direction of Rajeev Kumar (Petitioner).

13. That, during investigation, it came forward that of the above said 1,50,000/- strips Rishab Kumar Tyagi (owner of Adhar Pharmaceuticals Co.) had sold the $1,32,000 \text{ strips} = 1,32,000/30 = 4400 \text{ boxes} = 44 \text{ cases}$ to Vashu Pharma, Bulandsehar, UP. Rishab Kumar Tyagi also produced copy of order form of 44 cases in favour of Vashu Pharma given by accused Rajeev Kumar to Adhar Pharmaceuticals Co. Rishab Kumar Tyagi further disclosed that at the direction of Rajeev Kumar he sold rest of the 9000 strips i.e. 6 Cartons to two other medical who-sellers. Rishab Kumar Tyagi further stated that the above said medicine sold to Vashu Pharma were transported through a transport agency (known to Rajeev Kumar) at the direction of Rajeev Kumar. Rishab Kumar Tyagi further produced documents i.e. GST Bill, Order form given by Rajeev Kumar, Bilties of Transport Agency through which the medicines were shipped and screenshot of Whatapp chat made between him and Rajeev Kumar, which corroborates the statement given by Rishab Kumar Tyagi.

14. That, on interrogation Vishal Verma, owner of Vashu Pharma, Bulandsehar, UP stated that he had closed his shop in Dec 2023 and he never gave any order pertaining to the questionable medicines to Rajeev Kumar or Adhar Pharmaceuticals Co. He further stated that Rajeev Kumar had misused his Drug License to order medicine in his name.

15. That, the investigation of the present case has been completed and the charge-sheet of the case has already been submitted in the Hon'ble Court of Sh. Puneet Pahwa, LD, ASJ (Special Court NDPS) North-East, Karkardooma, Delhi.

That accused Rajeev Kumar has no previous criminal involvement."

7. Learned counsel appearing on behalf of the applicant submits that the latter was working as Area Sales Manager for one Leeford Healthcare Pvt. Ltd. and was arrested on a disclosure statement of the co-accused Pramod Kumar, who was working as a Medical Representative. It is further submitted



that it is the case of the prosecution that the applicant had asked one Dewesh Kumar (owner of Apollo Medicos, Jewar, Uttar Pradesh) to keep 11 cartons, which were subsequently recovered from co-accused persons, Pramod Kumar and Prem Chand, stating that the said cartons contained multivitamins medicines and were kept in safe custody. It is submitted by learned counsel for the applicant that what was recovered finally from the cartons was not within the knowledge of the applicant and, therefore, he has been falsely implicated on the basis of a disclosure statement made by the co-accused Pramod Kumar. It is further stated that nothing has been recovered from the present applicant.

8. *Per contra*, learned APP for the State, on instructions of the Investigating Officer, submits that the 11 cartons containing the contraband were recovered from a car occupied by the co-accused persons Prem Chand and Pramod Kumar. It is submitted that on interrogation, it was revealed that the contraband was taken on the direction of Rajeev Kumar, *i.e.*, the present applicant from one Dewesh Kumar (owner of Apollo Medicos). During further investigation, the aforesaid Dewesh Kumar in his statement had identified the said 11 cartons and had further stated that they were kept by him at the instance of the present applicant for safe custody as the party to whom the said cartons belonged were not in town and he kept the same in trust.

9. Heard learned counsel for the parties and perused the records.

10. The aforesaid Dewesh Kumar, is a witness in the chargesheet filed by the prosecution. Apart from above statement of Dewesh Kumar, it has also come on record that one Rishab Kumar Tyagi (owner of Adhar Pharmaceuticals company) had bought the aforesaid medicines from Divine Healthcare, Ghaziabad, and had further sold 1,50,000 strips to one Vashu



Pharma, Bulandshahr, Uttar Pradesh, at the instance of the present applicant, and the said Rishab had also produced the copy of order form for 44 cases in favour of Vashu Pharma which was given by the present applicant to Adhar Pharmaceuticals Company. The said Rishab Kumar Tyagi had further disclosed that, at the direction of the applicant, he sold the rest of the 9000 strips, i.e., 6 Cartons, to two other medical wholesalers. Rishab Kumar Tyagi further stated that the aforesaid medicines, sold to Vashu Pharma, were transported through a transport agency (known to the applicant) at the direction of the applicant. Rishab Kumar Tyagi further produced documents i.e., the GST Bill, Order form given by the applicant, Bilties of Transport Agency through which the medicines were shipped and screenshot of WhatsApp chat made between him and the applicant, which corroborates the statement given by Rishab Kumar Tyagi. During investigation, one Vishal Verma, who was the owner of Vashu Pharma, Bulandshahr, U.P., stated that he had closed his shop in December 2023 and he never gave any order pertaining to the medicines to any Rajeev Kumar or Adhar Pharmaceuticals. He further stated that the present applicant had misused the Drug License in order to get medicines in his name. Thus, it is the case of the prosecution that the recovery of the contraband which was, in fact, sold by Leeford Healthcare Pvt. Ltd. was finally purchased by Vashu Pharmaceuticals at the instance of the present applicant which was recovered from co-accused(s), Prem Chand and Pramod Kumar. The contraband recovered in the present case is commercial in nature. As per nominal roll dated 06.02.2025, the applicant has been in custody for approximately 10 months. In these circumstances, the applicant has not been able to satisfy the rigours of Section 37 of the NDPS Act at this stage.



11. Accordingly, the application is dismissed at this stage and disposed of.
12. Pending application(s), if any, also stands disposed of.
13. Needless to state that, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
14. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
15. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 26, 2025/bsr/sc

Click here to check corrigendum, if any