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

+ **BAIL APPLN. 88/2025**

RAHUL KUMAR SARANGAL @ RAJApplicant
Through: Mr. Ronak Karanpuria,
Mr. Rohit Gautam & Mr.
Abhay, Advs.

versus

NARCOTICS CONTROL BUREAURespondent
Through: Mr. Arun Khatri (SSC)
with Ms. Shelly Dixit &
Ms. Tracy Sebastian,
Advs. along with IO
Vimal.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

27.05.2025

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1. The present application is filed seeking regular bail in Case No. VIII/01/DZU/2024, for offences under Sections 8, 9A, 25A, 22(c), 23(c), 25, 27A, 28, 29 and 30 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**).
2. The brief facts of the case are that on 17.01.2024, on the basis of secret information, one parcel bearing AWB No. 5115949005 which was lying at DHL Express Pvt. Ltd. office at Kirti Nagar, Najafgarh, Industrial Area was subjected to examination. It is alleged that the examination resulted in recovery of 2.946 Kg of Methamphetamine. During preliminary inquiry, it was found that the parcel was booked from the DTDC Super Hub, Samalkha, New Delhi through a Jaipur based DTDC franchise. Based on the disclosure made by the booking agent, accused individuals Mukesh Chouhan and Pinku Singh Rajput



were intercepted in Jaipur. On the disclosure made by accused Pinku Singh, accused Gaurav Singh Chauhan was apprehended. At the instance of accused Gaurav, a recovery of 12.160 Kg of Methamphetamine was made from his residence. In his disclosure statement, accused Gaurav stated that the concealment and packaging of the contraband in kitchen items was arranged through the applicant.

3. In continuation of the investigation, a further recovery of 5 Kg of Ephedrine was effected on 29.01.2024 from Vishwakarma Mechanical Works, Village Bulara. On 30.01.2024, an additional recovery was made from the godown of accused Satnam Singh alias Raju, consisting of 9 g of Methamphetamine, a plastic sheet weighing 1.082 Kg containing traces of Methamphetamine, 4 Kg of Ephedrine, and various other chemicals, substances, and equipment. In connection therewith, five other co-accused persons were apprehended.

4. The learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He submits that no recovery of the contraband was ever effected from the applicant.

5. He submits that the applicant is involved in printing of the packing material and he has been implicated in the present case merely because the contraband was seized in a parcel, which was being printed by the applicant. He submits that this does not show that the applicant is an associate of the main accused.

6. He further submits that trivial financial transactions have been shown by the Prosecution to establish financial link in regard to supply and purchase of contraband. He submits that even as per the case of the Prosecution, the applicant had



received only a sum of ₹9,000/-. He submits that the said amount was received for packaging services.

7. *Per contra*, the learned counsel for the respondent department vehemently opposes the grant of any relief to the applicant. She submits that the rigours of Section 37 of the NDPS Act are attracted against the applicant as commercial quantity of contraband has been recovered in the present case. She states that the evidence collected at this stage points towards the involvement of the applicant in the crime.

8. She submits that the applicant was an accomplice of the main accused and the WhatsApp chats also indicate that the main accused was in regular touch with the applicant and they were discussing the packaging material, which was being used for concealing the contraband. She stated that there are call records and financial transactions linking the applicant to the offence.

9. She further states that from the raid conducted at the house of the applicant, some packaging material was recovered which is the same as the one that had been used for packing the contraband.

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

11. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened;



etc. At the same time, the period of incarceration is also a relevant factor that is to be considered.

12. It is unequivocally established that, to be granted bail, the accused charged with offence under the NDPS Act must fulfil the conditions stipulated in Section 37 of the NDPS Act.

13. It is argued that the rigours of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

14. The Hon'ble Apex Court, in the case of **Union of India v. Shiv Shanker Kesari : (2007) 7 SCC 798**, has observed as under:

“11. The court while considering the application for bail with reference to Section 37 of the Act is not called upon to record a finding of not guilty. It is for the limited purpose essentially confined to the question of releasing the accused on bail that the court is called upon to see if there are reasonable grounds for believing that the accused is not guilty and records its satisfaction about the existence of such grounds. But the court has not to consider the matter as if it is pronouncing a judgment of acquittal and recording a finding of not guilty.

12. Additionally, the court has to record a finding that while on bail the accused is not likely to commit any offence and there should also exist some materials to come to such a conclusion.”

15. A Coordinate Bench of this Court in **Phundreimayum Yas Khan v. State (GNCT of Delhi) : 2023 SCC OnLine Del 135**, has held that when there is no material to link the applicant with the recovery of the commercial quantity from the co-accused persons, the rigors of Section 37 would not apply. It was further held that the disclosure statement of co-accused is per se not admissible without there being any corroboration.

16. The applicant is stated to be involved in the printing and



packing business. At this stage, the only allegation against the applicant seems to be that the material, in which the contraband was to be supplied, was provided by the applicant and the applicant was involved in helping the accused conceal the contraband in the packing boxes.

17. It is stated that certain WhatsApp chats have surfaced during investigation which indicate that the applicant was in touch with the other co-accused in regard to the packing material and boxes. It is pointed out that there are certain call data records showing connectivity as well as certain financial transactions.

18. Merely because the applicant was in regular touch with the co-accused, the same is not sufficient to establish the offence against the applicant.

19. A coordinate bench of this Court, in the case of ***Dalip Singh v. State (NCT of Delhi) : 2019 SCC OnLine Del 6494***, had observed as under:

“11. On perusal of the record, it is prima facie seen that there are two major missing links in the case of the prosecution. There is no link established by the prosecution between the petitioner with the alleged supplier Manoj. Further the entire case of the prosecution, in so far as petitioner is concerned is circumstantial i.e. based solely on disclosure statement of a co-accused which is per se not admissible without there being any corroboration. Prosecution has not been able to establish any connection between the subject offence and the bank accounts, where the petitioner is alleged to have been depositing money or with the holders of those accounts. Merely because the petitioner has been having telephonic conversation with the co-accused, would not be sufficient to hold that petitioner is guilty of the subject offence. There is no recovery made from the petitioner.

12. I am of the view that requirement of Section 37 of the NDPS Act are satisfied. In so far as the petitioner is concerned, there are reasonable grounds to believe that petitioner is not guilty of the said offence.”

(emphasis supplied)



20. Insofar as the money transactions are concerned, the same is only for a total sum of ₹9,000/-. The applicant claims that the said amount was received for providing the packing services.

21. Whether the applicant was aware that the contraband was being concealed in the printed material which was being supplied by him and if the WhatsApp chats were in regard to the contraband can only be ascertained after the entire evidence is led.

22. It is pertinent to note that in the present case, no recovery was ever effected from the applicant.

23. In the present case, as discussed above, there are reasonable grounds to believe that the applicant is not guilty of the alleged offence. The applicant is also stated to have clean antecedents. In view of the above, this Court is of the opinion that the embargo of Section 37 of the NDPS Act does not come in the way of granting bail to the applicant.

24. It is also relevant to note that the applicant is stated to be in custody for more than one year. As per the status report, the charges are yet to be framed. The prosecution has listed 39 witnesses and the trial is likely going to take long to conclude.

25. The applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the



country without the permission of the learned Trial Court;

- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

26. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

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

28. The bail application is allowed in the aforementioned terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

MAY 27, 2025

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