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

+ **BAIL APPLN. 561/2026**

ANIL MAHTO

.....Petitioner

Through: Mr. Jatan Singh, Sr. Advocate with
Mr. Yogesh Swaroop & Mr. Jashank
Shrivastava, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State along
with SI Ashok Kumar, PS: Sarojini
Nagar, Delhi.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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10.02.2026

CRL.M.A. 4204/2026. (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 163/2025, registered at Police Station Sarojini Nagar, Delhi, for the commission of offence punishable under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Brief facts of the present case are that on 03.05.2025, at about 03:45



a.m., during the routine night checking being conducted, one Wagon-R car was intercepted for checking. The said vehicle was being driven by co-accused Subodh Kumar. Upon conducting a search of the vehicle, a blue cigarette box was found concealed therein, containing 68 tablets of a suspected psychotropic substance. On weighing, the total weight of the recovered tablets was found to be about 26 grams. A mobile FSL Team was called at the spot for preliminary investigation and upon being tested at the spot, the tablets were found positive for MDMA.

6. During interrogation, the co-accused Subodh disclosed that the vehicle used in the commission of the offence was owned by his brother-in-law, i.e., the present applicant Anil Mahto. He further disclosed that one James, a Nigerian national, was the main supplier of MDMA tablets. The co-accused Subodh also disclosed that the applicant Anil Mahto used to manage and coordinate the delivery of narcotic substances, while he used to deliver the narcotic substances on his instructions, for which he was being paid about ₹20,000/- per month. He further disclosed that a female courier, referred to as “Baby”, used to hand over the tablets, often concealed in cigarette boxes.

7. The learned senior counsel appearing on behalf of the applicant Anil Mahto argues that the present applicant is the brother-in-law of the main accused, from whom the recovery was affected. He argues that except for the disclosure statement of the main accused, there is nothing incriminating on record against the applicant. It is also stated that he is ready to hand over his mobile phone in case the same is required for the purpose of retrieving any evidence regarding the connectivity of the accused persons. On these grounds, it is prayed that the applicant/accused be granted anticipatory bail.



8. The learned APP for the State, on the other hand, contends that the allegations against the present applicant/accused are serious in nature and his custodial interrogation is necessary for tracing and apprehending the absconding co-accused persons, as well as for establishing the complete chain of supply and delivery of narcotic and psychotropic substances. It is further argued that the offence pertains to the recovery of a commercial quantity of psychotropic substance. It is stated that during investigation, repeated visits were conducted at the house of applicant, however, he has been evading arrest. In view of the aforesaid facts and circumstances, it is prayed that the present application seeking anticipatory bail be dismissed.

9. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has gone through the material placed on record.

10. In the present case, it is to be noted that the co-accused Subodh was apprehended at the spot, being found in possession of 68 tablets of MDMA, weighing 26 grams, which falls within the limits of commercial quantity.

11. This Court notes that the co-accused Subodh had disclosed that he had come into contact with two persons, namely James and Baby, who are alleged to be the supplier and courier of the narcotic and psychotropic substances, through the present applicant/accused. Both the said accused persons are presently absconding and are yet to be apprehended. It was further revealed during investigation that Subodh used to procure the narcotic and psychotropic substances from them, and deliver the same at different locations, on instructions of the applicant herein, for which Subodh was paid a sum of ₹20,000 per month.

12. It is pertinent to note that the vehicle in which the co-accused Subodh was apprehended, along with the psychotropic substance, is registered in the



name of the present applicant/accused.

13. It is also pertinent to note that, upon analysis of the CDR of the co-accused Subodh and the present applicant/accused, it was revealed that the applicant was in constant communication with the co-accused Subodh, prior to his arrest, as he was purportedly proceeding to deliver the psychotropic substance. Specifically, the call connectivity is reflected from 02.05.2025 at 7:51 p.m. to 03.05.2025 at 3:22 a.m., and notably, the co-accused was apprehended at 3:45 a.m. on 03.05.2025.

14. The Hon'ble Supreme Court in several decisions, including *State of Haryana vs. Samarth Kumar*: 2022 SCC OnLine SC 2087 and *Anarul S. K. vs. State of West Bengal*: SLP(Crl.) 12621/2021, has held that anticipatory bail is ordinarily not to be granted in cases under NDPS Act.

15. Considering the overall facts and circumstances of the present case, particularly the recovery of a commercial quantity of MDMA tablets from the vehicle belonging to the present applicant, the *prima facie* role attributed to the applicant/accused as the principal mastermind of the syndicate, the CDR analysis, and the fact that other co-accused persons are yet to be apprehended, this Court is of the considered view that custodial interrogation of the applicant/accused is necessary for further investigation.

16. Accordingly, this Court is *not inclined to grant anticipatory bail* to the applicant/accused. The bail application is dismissed.

17. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
FEBRUARY 10, 2026/vc/RB/GJ