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

\# **CNR No. DLHC010044142024**

\+ CRL.M.C. 1006/2024

NARCOTICS CONTROL BUREAU .....Petitioner

Through: Mr. Arun Khatri SSC with Ms. Shelly Dixit, Advocate.

versus

PRAMOD JAIPURIA @ DEVENDER KUMAR KHANDELWAL & ANR. .....Respondents

Through: Mr. Yogesh Saxena, Adv. (through VC).

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\# **CNR No. DLHC010216722024**

\+ CRL.M.C. 3203/2024

NARCOTICS CONTROL BUREAU .....Petitioner

Through: Mr. Arun Khatri SSC with Ms. Shelly Dixit, Advocate.

versus

GAURAV KUMAR AGRAWAL .....Respondent

Through: Mr. Yudhvir Dalal, Adv. (through VC).

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 17.11.2026

Matters listed on 16.11.2026 are being taken up today as 16.11.2026 was declared holiday on account of Chhath Puja *vide* notification no.110/G-4/Genl.-I/DHC dated 11.11.2026.

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1. Hybrid Mode.

2. Both these petitions have been filed by the Narcotics Control Bureau under Section 439(2) read with Section 482 Cr.P.C. seeking cancellation of bail granted to the respondents in SC No. 133/2020 titled "NCB v. Gaurav Kumar Aggarwal & Ors." arising out of NCB Case No. VIII/06/DZU/2020 under Sections 8/22(c)/29 of the NDPS Act. As both the petitions arise out of the same complaint, they are being taken up together.

3. In CRL.M.C. 1006/2024, the petitioner assails order dated 14.09.2023 passed by the learned Special Judge (NDPS), Patiala House Courts, New Delhi whereby respondent Pramod Jaipuria @ Devender Kumar Khandelwal was admitted to bail. Bail seems to have been granted, primarily, for the reason that PW-5 Rambir and PW-6 Kamruddin did not support the prosecution in linking the respondent with the godown at Prem Nagar, Bodla Road, Agra from where the recovery was effected and no rent agreement, rent receipt or statement of the owner connecting the respondent with the said godown was placed on record. Further, there is no recovery of contraband from the present accused.

4. In CRL.M.C. 3203/2024, the petitioner assails common order dated 05.12.2023 passed by the learned Special Judge whereby respondent Gaurav Kumar Agrawal, along with co-accused Manoj Kumar and Mohit Aggarwal, was admitted to bail. Bail seems to have been granted, primarily, for the reason that the samples drawn at the time of seizure were sent to CFSL whereas the application under Section 52A of the NDPS Act was filed only on 13.02.2023 and the samples drawn in the presence of the learned Magistrate were not sent for analysis.

5. The petitioner-NCB contends that the learned Trial Court overlooked

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the rigour of Section 37 of the NDPS Act despite the recovery being of commercial quantity. It is further contended in CRL.M.C. 3203/2024 that the alleged defects in the sampling procedure are a matter to be examined during trial and could not have been made the basis for grant of bail.

6. Fact remains that bail was granted to the respondents on 14.09.2023 and 05.12.2023 respectively and considerable time has elapsed thereafter. Nothing has been brought on record which may indicate that, in the interregnum, the respondents have misused the liberty.

7. During the course of arguments, learned Senior Standing Counsel for the petitioner-NCB, without prejudice to his rights and contentions, does not press for cancellation of bail in either of the petitions. He, however, submits that it be clarified that the observations made in the impugned orders would not prejudice the learned Trial Court while deciding the case at the final stage.

8. In view of the above, both the petitions are disposed of as withdrawn/not pressed with the clarification that nothing stated in the impugned orders dated 14.09.2023 and 05.12.2023 or hereinabove shall tantamount to an expression on the merits of the case. The learned Trial Court would consider the aspect of the sampling and the other aspects noted in the impugned orders at the stage of final arguments in accordance with law, after giving due opportunity of hearing to both the sides.

9. The instant petitions stand disposed of as ‘withdrawn/not pressed’.

VIMAL KUMAR YADAV, J

NOVEMBER 17, 2026/bj/vs

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