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

+ BAIL APPLN. 660/2026, CRL.M.A. 5058/2026 & CRL.M.A. 5059/2026

JAI SINGH SEKHAWAT

.....Petitioner

Through: Mr. Siddharth Srivastava, Mr. Saurav Shara, Ms. Simranjit Singh Khera and Ms. Khushi Gupta, Advocates.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Arun Khatri, SSC NCB with Ms. Shelly Dixit and Mr. Pranajeet Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **20.04.2026**

1. By way of this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks grant of regular bail in connection with Narcotics Control Bureau ["NCB"] Case No. VIII/55/DZU/2022 registered under Sections 8(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"] at NCB - Delhi Zonal Unit.

2. I have heard Mr. Siddharth Srivastava, learned counsel for the petitioner, and Mr. Arun Khatri, learned Standing Counsel for the respondent. Respondent-NCB has also placed on record a status report dated 24.03.2026.



3. The prosecution case, as it emerges from the status report, is as follows:

- A. On the basis of secret information, a parcel lying at DHL Express (INDIA) Pvt. Ltd., 71/3, Najafgarh, Rama Road, Industrial Estate, New Delhi, was intercepted on 13.07.2020.
- B. The parcel [Air way bill No. 4232292105] was booked under the name of Rahul Kumawat, and was addressed to Deepak Patel at an address in the United States of America.
- C. Although the parcel purportedly contained a lamp made of marble/granite, upon examination it was found to conceal 13770 Alprazolam tablets, which is a substance prohibited under the NDPS Act, and the present case was, therefore, registered.
- D. The substance was found to weigh 1.515 Kgs.
- E. The petitioner is accused of being the person who booked the parcel under the name of Rahul Kumawat. This is sought to be established on the basis of the statement of the booking clerk of DHL, transcript of telephone conversations between the booking clerk and the petitioner, and CCTV footage. This aspect is not disputed at this stage.
- F. On the basis of the aforesaid, the prosecution alleges conscious possession of the contraband substance against the present petitioner.

4. Mr. Srivastava submits that the petitioner, from the very beginning, has accepted that he did, in fact, undertake the task of carrying the parcel to the courier office and booking the courier on behalf of one Ajay Singh Sekhawat, who is a marble/granite artisan in Sikar district of Rajasthan.



He submits that the petitioner had no knowledge of the presence of contraband in the parcel, lending doubt to the requirement of conscious possession. In fact, the petitioner's case is that he undertook the delivery to the courier on behalf of Ajay Singh Sekhawat, for a payment of a small remuneration of Rs. 5,000/- for each instance. Mr. Srivastava further submits that the petitioner has already been in custody for a period of more than three years and eight months, having been arrested on 09.08.2022. Mr. Srivastava also urges the ground of prolonged incarceration, and submits that the Court may release the petitioner on bail. For this purpose, he relies upon a judgment of the Supreme Court in *Mohd. Muslim v. State (NCT of Delhi)*¹.

5. Mr. Khatri, on the other hand, submits that the petitioner's involvement in the offence, being the person who physically booked the parcel, is established beyond doubt, and is in fact admitted. He submits that, in these circumstances, the presumption of conscious possession under Sections 35 and 54 of the NDPS Act operates against the petitioner. It is further submitted that call records and the transcripts of the telephone conversations show significant contact between the petitioner with both, Ajay Singh Sekhawat and the booking clerk. Mr. Khatri further submits that there are financial transactions between the petitioner and Ajay Singh Sekhawat each amounting to approximately Rs. 5,000/- on four occasions as disclosed by the petitioner himself.

6. At the outset, it may be noted that the present case involves a commercial quantity of the contraband, as the threshold for Alprazolam is 100 gms. The rigours of Section 37 of the NDPS Act therefore apply, and

¹ 2023 SCC OnLine SC 352 [hereinafter, "*Md. Muslim*"].



the Court is required to be satisfied that there are reasonable grounds for believing that the accused is not guilty for such offence and that he is not likely to commit such an offence while on trial. The Supreme Court in *Mohd. Muslim*, however, has clarified that the standard upon which such an assessment is to be undertaken is a *prima facie* standard, and the Court's analysis does not require satisfaction beyond reasonable doubt. The Court further underscored that the constitutional claim of prolonged incarceration without trial must also guide the Court's adjudication, notwithstanding the applicability of statutory restrictions on the grant of bail. In fact, in cases under the NDPS Act, the Supreme Court has on several occasions emphasised the significance of prolonged custody as a factor for grant of bail even in cases to which Section 37 of NDPS Act applies. Reference in this connection may be made to *Rabi Prakash v. State of Odisha*² and *Dheeraj Kumar Shukla v. State of Uttar Pradesh*³.

7. Coming to the facts of the present case in light of these principles, it appears from the Nominal Roll that as on 18.02.2026, the petitioner had already undergone a period of 3 years 6 months and 10 days in custody. The period of custody now, therefore, exceed 3 years and 8 months. The prosecution has cited 12 witnesses, out of which only 3 have been examined. The possibility of conclusion of the proceedings within a short time frame, therefore, appears unrealistic. The Nominal Roll/Status report does not reveal any prior criminal involvements.

8. Coming to the assessment on merits, on a *prima facie* basis, suffice it to note that the allegation against the petitioner is that he was the person

² 2023 SCC OnLine SC 1109, paragraph 4.

³ 2023 SCC OnLine SC 918.



who had booked the courier package by supplying the name and Aadhar card of a third party. Conscious possession also requires knowledge of the contents of the parcel. On this aspect, the petitioner's explanation does not appear to be altogether implausible. At the present stage of proceedings, it is not possible to come to a definitive conclusion from the material on record in this regard. The allegation regarding financial transactions of Rs. 5,000/- on four occasions is also derived from the statement of the petitioner, without any corroborative evidence at this stage. The said financial transactions are also sought to be explained by the petitioner on the basis of his remuneration for undertaking the task of booking on behalf of Ajay Singh Sekhawat.

9. Having regard particularly to the period of incarceration in the present case, and to the *prima facie* factors mentioned above, I am of the view that it is appropriate to admit the petitioner on regular bail in connection with the NCB Case No. VIII/55/DZU/2022 lodged under Sections 8(c)/23(c)/29 of the NDPS Act.

10. For the aforesaid reasons, it is directed that the petitioner be released on bail, subject to furnishing of a personal bond in the sum of Rs. 35,000/- with one surety of the like amount, to the satisfaction of the Special Court, and subject to the following conditions:

- a. The petitioner shall appear before the Special Court on each and every date of hearing;
- b. The petitioner shall provide his permanent address to the Special Court, as also the address where he is residing during the pendency of the case. The petitioner shall intimate the Investigating Officer ["IO"], and file an affidavit before the Special Court, regarding any



change in residential address.

- c. The petitioner shall provide his mobile number to the concerned IO/Station House Officer, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
 - d. The petitioner 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;
 - e. The petitioner shall not commit any offence during the period of his release.
11. The bail application is disposed of in terms of the above.
12. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
13. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

APRIL 20, 2026
SS/AD/