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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 965/2026, CRL.M.A. 7361/2026 & CRL.M.A.
7362/2026

AURANGZEB SIDDIQUI

(PRESENTLY IN J. C.)

.....Petitioner

Through: Mr. Ranjay Kumar Dubey,
Adv.

versus

THE STATE OF NCT
OF DELHI

.....Respondent

Through: Mr. Akhand Pratap Singh, SPP
(through VC)
SI Vipin Malik, PS- Special
Cell

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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12.03.2026

1. The present application is filed seeking regular bail in FIR No. 455/2024 dated 02.10.2024, registered at Police Station Special Cell, for offences under Sections 8/20/21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**').
2. Briefly stated, it is the case of the prosecution that on 01.10.2024, on the basis of secret information, a raid was conducted wherein the applicant was apprehended along with the accused Tushar and Himanshu. Recoveries of 5.220 Kg, 5.640 Kg and 5.240 Kg of Cocaine/ Mephedrone were effected from the said accused persons respectively. Thereafter, at their instance, a huge consignment of 547 Kg of Cocaine/ Mephedrone and 39.706 Kg of Hydroponic Ganja were seized from the warehouse of the accused Tushar.



3. During investigation, a total of 1290.967 Kg of Cocaine/Mephedrone and 39.706 Kg Hydroponic Ganja was recovered and a number of accused persons were arrested. As per the prosecution, the accused persons were part of an international drug cartel and the applicant was the personal driver of the father of the accused Tushar Goyal. Allegedly, the applicant was lured by the accused Tushar into drug trafficking on promise of quick financial gains.

4. The learned counsel for the applicant submits that the applicant has clean antecedents and he has been falsely implicated in the present case.

5. He submits that the applicant was merely the driver of the father of the main accused Tushar Goyal and he was arrested when he was waiting for the said accused. He submits that the contraband was planted on the applicant by the police and even otherwise, there is no material which evidences that the applicant was in conscious possession of the contraband.

6. He submits that there is no call history or money trail that links the applicant to the commission of crime. He submits that no independent witness was joined at the time of seizure proceedings and although the prosecution claims to have captured the seizure on video recording, a copy of the recording has not been supplied to the applicant.

7. He further submits that the grounds of arrest were also not supplied to the applicant or any of his family members, whereby his arrest in the instant case is illegal.



8. He further submits that accused Tushar has remained on interim bail for the past few months and another co-accused has already been enlarged on bail by the Trial Court.

9. He submits that the applicant has been in custody since 02.10.2024 and the matter is still at the stage of arguments on charge. He submits that the matter is proceeding before the Trial Court at snail's pace and the applicant should be granted bail on account of period already spent in custody.

10. *Per contra*, the learned Special Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the present case involves recovery of huge quantity of contraband and the rigours of Section 37 of the NDPS Act are attracted against the applicant.

11. He submits that the applicant was arrested at the spot and commercial quantity of contraband was recovered from the personal possession of the applicant.

12. He submits that the seizure proceedings have been duly recorded in terms of Section 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the same can only be proved in trial.

13. He further submits that the matter before Trial Court is now expected to proceed expeditiously and the same was hindered previously due to pending arrest of one of the accused persons, who has since been arrested from Dubai.

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

15. 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.

16. In the present case, a recovery of 5.220 Kg of Cocaine/ Mephedrone was made directly from the applicant. Allegedly, further recovery of 547 Kg of Cocaine/ Mephedrone and 39.706 Kg of Hydroponic Ganja was effected at the instance of the applicant and other accused persons. As recovery of commercial quantity of contraband is involved in the present case, the rigours of Section 37 of the NDPS Act are attracted. As provided under the Section, the Court can grant bail only when the twin conditions stipulated in Section 37(1)(b) of the NDPS Act are satisfied in addition to the usual requirements for the grant of bail– (1) The court must be satisfied that there are reasonable grounds for believing that the person is not guilty of such offence; and (2) That the person is not likely to commit any offence while on bail.

17. It is asserted on behalf of the applicant that the contraband was planted on him and there is nothing to attribute conscious possession on the applicant. Doubt is sought to be cast on the recovery on account of non-joinder of any independent witnesses as well as a copy of video not being supplied.

18. As pointed out by the prosecution, although no independent witness was associated, the search and seizure of contraband has been duly videographed and the same forms part of the judicial record as it has been uploaded on the e-Sakshya App. Whether the video is to be supplied or not will be seen by the Trial Court, for which it is



informed that an application is filed by the applicant, however, in the opinion of this Court, the same alone will not *ipso facto* entitle the applicant to grant of bail.

19. The applicant has neither denied his presence at the spot nor that he was known to the accused Tushar, with whom he is alleged to have been associated in procurement and distribution of narcotic substances. The present case is not one where a taxi driver has been implicated due to recovery from an unknown rider so as to claim absolute lack of knowledge about the constituents of the hefty package being handled by him.

20. While the applicant's defence of him only being a driver acting at behest of his employer or the recovery being planted on him will be seen during trial, at this juncture, considering the recovery effected from the personal possession of the applicant, his complicity in the offence cannot be ruled out. *Prima facie*, the applicant has not been able to make out any reasonable grounds to believe that he is not guilty of the offence.

21. Insofar as the argument in respect of grounds of arrest not being supplied to the applicant is concerned, as also noted by the learned Trial Court while rejecting his bail, it was specifically mentioned in the notice under Section 50 of the NDPS Act that there was reason to believe that the applicant was in possession of narcotics/ psychotropic drugs, etc. Even otherwise, the applicant has failed to show as to how he is prejudiced by the alleged non-compliance after almost one and a half years. Pertinently, the Hon'ble Apex Court in the case of ***State of Karnataka v. Sri Darshan***: 2025 SCC OnLine SC 1702 has also clarified that while the procedural mandate of supply of written grounds is mandatory, however, the mere absence of the same does



not render the arrest illegal unless the accused is prejudiced due to denial of fair opportunity.

22. It is also argued that the applicant is entitled to bail on the ground of parity. A bare perusal of the order granting bail to the co-accused Ravinder shows that his case stands on a significantly different footing than that of the applicant. Unlike the applicant, no recovery had been effected from the personal possession of the said co-accused, and rather, recovery had been effected from a car owned by him, which had been purportedly given to another co-accused. Finding the case against the co-accused to be based on essentially disclosure statements of other accused, the learned Trial Court was persuaded to grant bail. In such circumstances, the applicant cannot gain any benefit from the same.

23. The matter is stated to be at the stage of arguments on charge. Although the applicant has spent over an year in custody already, considering the aforesaid discussion, this Court is not inclined to grant bail to the applicant at this stage.

24. 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.

25. The present application is dismissed in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 12, 2026

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