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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1884/2026**

RAMDHAN GOYAL

.....Petitioner

Through: Mr. Aditya Aggarwal with Mr. Mohd.
Yasir and Mr. Naveen Panwar,
Advocates.

versus

CENTRAL BUREAU OF NARCOTICS

.....Respondent

Through: Mr. Satish Aggarwala, Sr. Standing
Counsel with Ms. Mala Sharma,
Mr. Gagan Vaswani, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **15.05.2026**

CRL.M.A. 15195/2026 (exemption)

Exemption allowed subject to all just exceptions.

BAIL APPLN. 1884/2026

1. Applicant seeks bail in FILE NO. P&I/DEL/SEIZURE/01/21, registered at *Central Bureau of Narcotics* (CBN), for commission of offences under Sections 8/18/22/25/29 of *Narcotic Drugs and Psychotropic Substances Act, 1985* (NDPS Act).
2. As per the prosecution's story, a specific information had been received by the CBN that one Mukesh Kumar Gupta (co-accused herein) was manufacturing a medicine by mixing *Tramadol* illegally at his factory situated in Bawana, and used to sell the same to *M/s Balaji Ayurvedic Store* situated at Janta Bhawan Road, Sirsa.
3. The abovesaid Ayurvedic store is stated to be of the applicant herein.
4. The information was also to the effect that if both the places are

BAIL APPLN. 1884/2026

1



searched, huge quantity of illicit *Tramadol* and *Opium* mixed narcotic substance/tablets could be recovered.

5. Based on such information, raiding teams were prepared and both the abovesaid places were raided and contraband was recovered from the premises of both the accused.

6. Recovery from the premises of applicant is of 1.420 kg of *Medicinal Opium* and of 0.495 kg of substance suspected to be *Tramadol* whereas 1.80 kg of *Medicinal Opium* and 52.245 kg of *Tramadol* was recovered from the premises and possession of co-accused.

7. Admittedly, co-accused-Mukesh Kumar Gupta, is already on bail. Copy of such bail order dated 10.11.2025, whereby he was enlarged on bail by the learned Trial Court, has been placed on record.

8. The charges have been framed and the applicant is facing trial for committing offences under Sections 8,18,22,25 and 29 of NDPS Act.

9. Earlier also, the applicant had filed bail application but the same was permitted to be withdrawn as certain material aspects had not been incorporated and it is in the abovesaid backdrop, that the present application has been filed. During the pendency of earlier bail application, reply of the respondent, the Nominal Roll of the applicant had been requisitioned which have been perused.

10. Mr. Satish Aggarwala, learned Standing Counsel for the respondent submits that the applicant is part of conspiracy and, therefore, he is equally answerable to the recovery effected from the possession of his co-accused. Moreover, the quantity of *Tramadol* recovered from him is also commercial and, therefore, embargo provided under Section 37 NDPS Act is clearly attracted.



11. The Nominal Roll of the applicant indicates his age as 66 years and has remained in custody since 07.02.2022 and his period of incarceration is 04 years 01 month and 17 days as on 10.04.2026.

12. Admittedly, out of 31 cited prosecution witnesses, only one witness so far has been examined and, therefore, there is no likelihood of trial getting completed in near future.

13. Fact, however, remains that even as per bare allegations, the co-accused is the manufacturer of all such medicines and he is already on bail.

14. Learned counsel for applicant also, *inter alia*, contends that there was no photography or videography at the time of alleged raid at the premises of applicant and that there is non-compliance of Section 52A of NDPS Act, as at no point of time, any samples were drawn in the presence of a Magistrate. He submits that mere fact that the samples were drawn at the spot at the time of seizure would not relieve the prosecution of its mandatory obligation to comply with Section 52A of NDPS Act. He also supplements that there is nothing on record to infer any conspiracy.

15. Learned counsel for the applicant also seeks bail for infraction of his valuable right to have a speedy trial.

16. Sh. Aggarwala, learned Senior Standing Counsel for respondent relies on *State of Punjab vs. Sukhwinder Singh @ Gora*: 2026 INC 411 and *Narcotics Control Bureau v. Mohit Aggarwal* (In CrI.A. No. 1001-1002/2022; dated 19.07.2022) while contending that mere long incarceration would not be enough to overcome rigours of Section 37 of NDPS Act. Learned counsel for the applicant contends that even in the said case, the Hon'ble Supreme Court has observed that both such rights i.e. Section 37 of NDPS Act and the one contained under Article 21 of the



Constitution of India have to be read harmoniously and not in juxtaposition. He contends that while referring to the abovesaid judgment, Coordinate Bench of this Court in *Arinze Hillary Ali v. State of NCT of Delhi* (In Bail Appln. No.1022/2026; DoD 27.04.2026), has observed that all the factors must be considered holistically and while applying the test under Section 37 of NDPS Act, it is to be ensured that the constitutional guarantee enshrined under Article 21 of the Constitution is not eclipsed. He also refers to *Rabi Prakash v. State of Odisha*: 2023 SCC OnLine SC 1009 and one more recent pronouncement of Hon'ble Supreme Court in *Rajadurai v. The State of Tamil Nadu* (in SLP (Crl.) No.5842/2026; dated 05.05.2026), wherein, in a case of commercial quantity, the accused has been given bail when custody period was, merely, of one year and no witness had been examined.

17. Keeping in mind the overall facts of the case and in particular the period of incarceration, *albeit*, without observing final opinion over the merits of the case, the applicant is, hereby, admitted to bail on the fulfilment of same conditions as are mentioned in order dated 10.11.2025, whereby his co-accused-Mukesh Kumar Gupta was enlarged on bail by the learned Trial Court.

18. The application stands disposed of in aforesaid terms.

19. A copy of this order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

MAY 15, 2026/st/sa



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