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

+ **BAIL APPLN. 1546/2025**

SEKH ALI RAJA

.....Petitioner

Through: Mr. Faraz Nabi, Adv.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

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

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

12.03.2026

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of Case No. VIII/12/DZU/2023, registered at Police Station NCB (Delhi Zone Unit), for the commission of offence punishable under Sections 8/18B/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').
2. Briefly stated, the case of the prosecution is that on 15.03.2023, the accused persons were apprehended near Ayurvedic Hospital, N.H.-19, Mathura Road, near Metro Pillar Nos. 327 and 106, Alimore, Mohan Cooperative, Badarpur, New Delhi. It is alleged that they were found sitting in a truck bearing registration no. DL01GC-6350, which was parked at the said location. During the search, about 4.034 kg of opium (packed in two packets) was recovered from the possession of aco-ccused Satyavan and 3.934 kg of opium (packed in three packets) was recovered from the possession of co-accused Ramnath, making the total recovery 7.968 kg of



opium. Further, two bundles of currency notes amounting to ₹3,37,500/- were recovered from the possession of the present applicant. The narcotic substance as well as the currency notes were seized as per law in the presence of the accused persons and independent witnesses. It is further stated that during investigation, statements of the accused persons, including the present applicant, were recorded under Section 67 of the NDPS Act, wherein they allegedly admitted their involvement in the offence. As per the prosecution, it was revealed from the said statements that the present applicant had brought about 8 kg of opium and had handed over 4 kg each to co-accused Satyavan and Ramnath. In exchange for the said contraband, co-accused Ramnath had allegedly paid ₹1,37,500 and co-accused Satyavan had paid ₹2,00,000 to the present applicant. The present applicant along with the co-accused persons was arrested on 15.03.2023.

3. The learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the present case and has been in judicial custody since 15.03.2023. It is contended that no recovery of any narcotic substance has been effected from the present applicant. It is further argued that the money allegedly recovered from the applicant does not belong to him and has been falsely attributed to him. It is also submitted that the applicant has no previous criminal antecedents. It is, therefore, prayed that the applicant be granted regular bail.

4. The learned SSC appearing on behalf of the NCB, on the other hand, opposes the present bail application and submits that there exists CDR connectivity between the present applicant and the alleged supplier of the contraband, namely Shiv Kumar Yadav. It is further argued that the total recovery in the present case is 7.968 kg of opium, which falls well within



the commercial quantity. It is also stated that the applicant was apprehended at the spot and was allegedly counting the cash received in exchange for the narcotic substance. It is thus argued that the bar under Section 37 of the NDPS Act is attracted in the present case and the bail application deserves to be dismissed.

5. This Court has **heard** arguments addressed by learned counsel for the applicant and the learned SSC for the NCB, and has perused the material on record.

6. In the present case, this Court notes that the spot proceedings, including the recovery and apprehension of the accused persons, were photographed and videographed by the NCB. The material on record indicates that the present applicant was apprehended at the spot itself while allegedly counting cash amounting to ₹3,37,500/- which was recovered from his possession. The case was registered against all the accused persons who were found present together at the spot and were allegedly acting in close association with each other. It is also not disputed that the present applicant was the driver of the truck in question from which the recovery of the narcotic substance was made.

7. The investigation further reveals that the present applicant had allegedly procured about 8 kg of opium and had handed over 4 kg each to the co-accused Satyavan and Ramnath. It is alleged that in exchange for the said contraband, co-accused Ramnath had paid ₹1,37,500/- and co-accused Satyavan had paid ₹2,00,000/- to the present applicant. Thus, the prosecution case indicates that the present applicant was present at the spot during the alleged transaction involving the narcotic substance and the sale proceeds.



8. This Court also notes that there exists CDR connectivity between the present applicant and the alleged supplier of the narcotic substance, i.e. Shiv Kumar Yadav, who is stated to be based in Jharkhand. The mobile location of the applicant was also found to support the allegation that he had travelled to Jharkhand for procuring the narcotic substance.

9. The total recovery of opium in the present case is 7.968 kg, which falls within the category of commercial quantity, thereby attracting the bar under Section 37 of the NDPS Act. Section 37 mandates that the Court must be satisfied that there are reasonable grounds for believing that the accused is not guilty and that he is not likely to commit any offence while on bail. The Hon'ble Supreme Court in *Narcotics Control Bureau v. Mohit Aggarwal*: 2022 SCC OnLine SC 891, has clarified that "reasonable grounds" mean credible and plausible grounds to believe that the accused is not guilty.

10. In the case at hand, at this stage, this Court does not find any material on record which would satisfy the twin conditions contemplated under Section 37 of the NDPS Act.

11. In view thereof, and considering the overall facts and circumstances of the case, this Court is not inclined to grant bail to the present applicant.

12. The bail application is accordingly dismissed..

13. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 12, 2026/A

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