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

\# **CNR No. DLHC010278132026**

\+ BAIL APPLN. 2465/2026

RAVINDER .....Petitioner

Through: Mr. Mayank Chauhan, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Tarang Srivastav, APP for the State with Mr. Abhay Sahni Advocate along with SI Praveen Kumar, PS Narela.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 19.11.2026

1. The Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with FIR No. 97/2025 registered at P.S. Narela, Delhi, for offences under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985[1]. Subsequently, Section 25 of the NDPS Act was invoked. His earlier applications for regular bail were dismissed by the Sessions Court on 29th January, 2026, and 9th June, 2026.

2. The FIR was initially registered following the apprehension of co-accused Vijay @ Karan and Niketan @ Nicky on 15th February, 2025, when 304 grams of suspected heroin was recovered from a bag carried by Vijay.

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During further investigation, the police received information on 15th April, 2025, that Jatin, along with his associates Arun and Ravinder, would arrive near Samartivan Park, Narela, in a white Ertiga bearing registration No. HR-55AH-7981 to deliver heroin. The information was recorded vide DD No. 6, and a raiding party was constituted.

3. According to the prosecution, the specified vehicle arrived at approximately 7:35 PM. The Applicant was driving, while Jatin occupied the front passenger seat and Arun was seated behind. All three alighted from the vehicle and waited at the location before being apprehended. The keys were obtained from the Applicant, and a search of the dashboard allegedly yielded a black polythene packet containing 320 grams of heroin, including the weight of the transparent polythene packaging. The search and seizure proceedings are stated to have been videographed.

4. Counsel for the Applicant submits that he was employed as a driver and had no knowledge of the contraband allegedly concealed in the vehicle. Nothing was recovered from his person, and the prosecution has not established any role on his part in procuring, purchasing or selling narcotic substances. Reliance is placed upon the statement of the registered owner, Raju Daksh, who confirmed that the vehicle had been given to the Applicant on hire and that his particulars had been submitted for verification with Uber. Counsel further contends that the disclosures of the co-accused are inadmissible against the Applicant and that the telephone records do not establish his participation in any illegal transaction. Reliance is also placed upon the order dated 27th April, 2026, granting bail to co-accused Niketan @ Nicky.

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[1] ["NDPS Act"]

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5. The State opposes the application, emphasising that the Applicant was driving the vehicle from whose dashboard a commercial quantity of heroin was recovered. The secret information specifically named him along with Jatin and Arun, and all three were apprehended together at the identified location. The prosecution also relies upon Jatin's disclosure statement, alleging that the Applicant accompanied him during heroin deliveries for payment, and upon telephone connectivity between the accused persons.

6. The recovery involves a commercial quantity, attracting the restrictions contained in Section 37 of the NDPS Act. The Court must therefore be satisfied that there are reasonable grounds for believing that the Applicant is not guilty of the alleged offence and that he is unlikely to commit any offence while on bail. As explained in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***[2], the satisfaction required under Section 37 of the NDPS Act is only *prima facie*. The Court must undertake a broad and reasonable assessment of the prosecution material to determine whether the accused's guilt may be established. Indeed, this exercise does not require a meticulous examination of the evidence collected during investigation.

7. The question principally concerns the attribution of conscious possession to the Applicant. The mere fact that contraband is recovered from a vehicle does not necessarily establish that every occupant possessed it with knowledge of its presence. In ***Avtar Singh v. State of Punjab***[3], the Supreme Court explained that possession requires custody or control over the offending goods and cannot be inferred merely from an accused's presence in the vehicle. The principle has been reiterated in ***Rakesh Kumar***

[2] (2023) 18 SCC 166
[3] (2002) 7 SCC 419

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Raghuvanshi v. State of Madhya Pradesh[4], which recognises that the prosecution must first establish the foundational facts concerning conscious possession before the presumptions under Sections 35 and 54 of the NDPS Act become operative. Whether those facts are established depends upon the circumstances of each case.

8. In the present case, the Applicant's explanation that he was working as a driver finds support in the prosecution's own investigation. The registered owner, Raju Daksh, has stated that he had given the Ertiga to the Applicant on hire for ₹700 per day and had initiated the process of registering him as its driver with Uber. This account is significant because it independently explains the Applicant's possession and use of a vehicle which did not belong to him. The statement does not establish that the particular journey on 15th April, 2025, was an Uber booking. Nevertheless, it provides a plausible explanation for the Applicant's presence behind the wheel, which cannot be disregarded merely because contraband was subsequently found in the vehicle.

9. The location of the recovery also requires consideration. The packet was allegedly recovered from the dashboard, while Jatin was occupying the front passenger seat. The prosecution has not identified any material showing who placed the packet there or that the Applicant had handled it or was aware of its contents. His control over the vehicle is undoubtedly relevant, but it cannot, without consideration of the other circumstances, be equated with conscious possession of every article kept inside it. For an offence under Section 25 of the NDPS Act, knowledge that the vehicle was being used for an unlawful purpose is itself an essential ingredient.

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[4] 2025 INSC 96

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10. The prosecution relies upon Jatin's disclosure that he had involved the Applicant and Arun in supplying heroin and paid them ₹3,000 per trip. The allegation is incriminating, but it forms part of a statement made to the police and cannot be treated as substantive evidence against the Applicant. The principle laid down in ***Tofan Singh v. State of Tamil Nadu***[5] precludes reliance upon confessional statements made to officers invested with powers under Section 53 of the NDPS Act. No separate recovery from the Applicant pursuant to Jatin's disclosure is shown.

11. The chargesheet also refers to telephone contact between the Applicant and Arun, who was travelling in the same vehicle. However, the prosecution has not placed any material identifying the contents of their conversations or demonstrating that the calls concerned narcotics transactions. Nor does the CDR summary specifically establish direct telephone contact between the Applicant and Jatin. The record also indicates that the Applicant and Jatin have the same residential address. Their apparent association may explain their presence together, but neither that association nor the telephone contact, without further material, establishes that the Applicant knew of the contraband or participated in its intended delivery.

12. The Court is conscious that the secret information named all three occupants, correctly identified the vehicle and anticipated their arrival at the specified location. These circumstances lend support to the prosecution's account of the interception and recovery. They must nevertheless be distinguished from evidence establishing the Applicant's knowledge of the packet. The information itself cannot be treated as proof of his conscious

[5] (2021) 4 SCC 1

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involvement. No transaction or delivery is alleged to have taken place in the presence of the raiding party, and the material placed before this Court does not independently establish the Applicant's participation in procuring, financing or arranging the supply.

13. Upon considering the prosecution material in its entirety, this Court finds reasonable grounds, for the limited purpose of Section 37 of the NDPS Act, for believing that the Applicant may not be guilty of the offences alleged against him.

14. The second requirement under Section 37 must also be considered. The nominal roll records satisfactory jail conduct and no previous conviction. Although it mentions a pending proceeding under the Protection of Women from Domestic Violence Act, 2005, no previous involvement in an NDPS offence has been brought to the Court's attention. The Applicant was released on interim bail for three weeks in October 2026 on account of his father's medical condition and surrendered on 21st October, 2026, in compliance with the terms of his release. There is no allegation that he misused that liberty. His conduct, absence of previous narcotics involvement and compliance with the earlier order provide reasonable grounds for believing that he is unlikely to commit an offence while on bail. Appropriate conditions would also secure his presence during trial.

15. Having regard to these circumstances, this Court is satisfied that the requirements of Section 37 of the NDPS Act are fulfilled. The application is accordingly allowed, and the Applicant is directed to be released on regular bail in FIR No. 97/2025 registered at P.S. Narela, Delhi, subject to furnishing a personal bond in the sum of ₹30,000/- with one surety of the like amount, to the satisfaction of the concerned Trial Court/Duty

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Magistrate, and subject to the following conditions:

a. The Applicant shall appear before the Trial Court on every date fixed, unless his personal appearance is exempted by that Court.

b. The Applicant shall not leave India without prior permission of the Trial Court.

c. The Applicant shall furnish his current residential address and mobile number to the Investigating Officer and the Trial Court and shall promptly intimate them of any change.

d. The Applicant shall not directly or indirectly contact, threaten or influence any prosecution witness or tamper with the evidence.

e. The Applicant shall not indulge in any criminal activity while on bail.

16. In the event of violation of any condition, the State shall be at liberty to seek cancellation of bail in accordance with law.

17. The observations made in this order are confined to the consideration of bail. The Trial Court shall independently assess the evidence, uninfluenced by the provisional findings recorded herein.

18. The bail application stands disposed of.

SANJEEV NARULA, J

NOVEMBER 19, 2026/ab

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