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

+ **BAIL APPLN. 1980/2025**

**MOHAMED MUDASHSHIR**

.....Petitioner

Through: Mr. Vikas Gautam, Advocate

versus

**NARCOTIC CONTROL BUREAU**

.....Respondent

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

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

% **13.01.2026**

**CRL.M.A. 16081/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**BAIL APPLN. 1980/2025**

3. By way of this application, the applicant seeks grant of regular bail in case No. VIII/70/DZU/2022, registered at Police Station Narcotics Control Bureau, New Delhi for the commission of offence punishable under Sections 8(c)/22(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').
4. Briefly stated, the facts emerging from the record are that on 30.09.2022, secret information was received by Shri Manoj Kumar Yadav, Junior Intelligence Officer, to the effect that a parcel bearing AWB No. 6978956482 was lying at the premises of DHL Express Pvt. Ltd., 71/3,



Rama Road, Najafgarh Industrial Area, near Kirti Nagar, New Delhi, and that the said parcel was suspected to contain psychotropic substances. The information was reduced into writing and placed before the Superintendent, NCB-DZU, who directed Shri Jameel Saifi, Junior Intelligence Officer, to constitute a team and take action in accordance with law. Pursuant thereto, a search and examination of the said parcel was conducted. During the search, documents including a DHL shipment receipt, proforma invoice, and express receipt were recovered. The documents reflected the sender's name as Rahil Yadav of Lucknow, Uttar Pradesh, and the receiver's address as Oliver Kim, Newark, Delaware, USA. Upon opening the carton box, two large rolls were found inside it. Each roll was wrapped in blue plastic, followed by transparent polythene, carbon paper, and rubber bands. On further examination, medicine strips were recovered from both rolls. From the first roll, 90 strips were recovered, each containing 10 tablets. From the second roll, 110 similar strips were recovered. In total, 200 strips comprising 2000 tablets were seized. The tablets were identified as Tramadol Hydrochloride Tablets (Ol-Tram 100 mg), manufactured by HAB Pharmaceuticals & Research Limited, with manufacturing date March 2022 and expiry February 2025. Upon sampling, the weight of 10 tablets was found to be 3.35 grams, and the total weight of the recovered 2000 tablets was calculated to be 670 grams. After completion of the search and seizure proceedings, the recovered material was seized in accordance with law. It was found during investigation that the parcel was booked from a mobile number, which was registered in the name of one Mohd Khalid. The statement of Mohd Khalid was thereafter recorded under Section 67 of the NDPS Act, who disclosed the name of applicant herein. During further



investigation, the applicant Mohd. Mudashshir in his statement under Section 67 of NDPS Act admitted that he had booked the said parcel on the directions of Mohd. Nafees and Mohd. Yusaf, and he had borrowed the Nokia mobile phone from his friend Mohd Khalid and the same was used for booking the said parcel. It is alleged that the parcel was handed over to the applicant by Mohd Nafees who got the same from Late Mohd. Yusaf. For this, the applicant allegedly had received Rs.4,000/- from co-accused persons.

5. The learned counsel appearing for the applicant herein argues that the applicant has been falsely implicated in the present case and that no recovery of any narcotic or psychotropic substance has been effected either from his possession or at his instance. It is contended that the prosecution case against the applicant is founded primarily on statements recorded under Section 67 of the NDPS Act, which, by themselves, are not admissible in nature. It is further argued that the role attributed to the applicant by the prosecution is confined to the alleged booking of the parcel, purportedly at the instance of the co-accused, who has already been granted bail. The learned counsel further submits that the applicant has been in judicial custody since 05.02.2023, charges are yet to be framed, and that the trial is likely to take a considerable period of time to conclude. On the grounds of parity, prolonged incarceration, and absence of recovery or any direct evidence, it is prayed that the applicant be enlarged on bail.

6. The learned counsel appearing for the NCB opposes the present bail application and argues that the offence alleged is of serious nature. It is argued that the investigation has revealed the active involvement of the applicant herein, who had played a direct and conscious role in the booking



of the seized psychotropic substance and the courier boy has identified the applicant as the person who had handed over the parcel to him. It is also contended that the case is at a crucial stage as the charge has already been framed against the applicant. On these grounds, it has been argued that the present bail application be dismissed.

7. This Court has **heard** arguments addressed on behalf of the applicant and the NCB, and has perused the case file.

8. This Court notes that the prosecution case, in brief, is that on 30.09.2022 a parcel intercepted at the premises of DHL Express Pvt. Ltd., New Delhi, was allegedly found to contain 2000 tablets of Tramadol Hydrochloride, and that during the course of investigation, the present applicant was found to have been involved in the booking of the said parcel, pursuant to which his statement under Section 67 of the NDPS Act was recorded and he was arrested on 05.02.2023..

9. It is material to note that no recovery of any narcotic or psychotropic substance has been effected from the possession of the applicant or at his instance. The role attributed to the applicant is confined to the alleged booking of the said parcel on the directions of co-accused persons, and the case against him is largely based on disclosure statements of co-accused persons.

10. This Court also takes note of the fact that, *as per the prosecution's case itself*, the present applicant is alleged to have acted on the directions of the co-accused Mohd. Nafees, who had also handed over the parcel in question to him. However, the said co-accused, whose role is projected to be of directing the applicant to book the parcel and handing over the parcel to him after receiving it from Mohd. Yusaf, has already been granted bail by



the learned Special Judge, NDPS, *vide* order dated 29.11.2023. This Court also notes that the said co-accused has also been discharged in the present case by the learned Special Judge *vide* order dated 19.05.2025.

11. Further, the applicant has remained in judicial custody since 05.02.2023 and has thus been incarcerated for about 03 years. There is nothing on record to suggest that the trial is likely to conclude in the near future. The record further reflects that the applicant has maintained satisfactory jail conduct.

12. Considering the aforesaid facts and circumstances of the case and the fact that no recovery has been effected from the applicant, and he has already remained in judicial custody for about 03 years, whereas co-accused Mohd. Nafees on whose directions the applicant is alleged to have booked the parcel in lieu of some amount of money has been granted bail in the year 2023 itself and now discharged by the Trial Court, this Court is inclined to grant regular bail to the applicant, on his furnishing personal bond in the sum of Rs.50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear before the concerned I.O. at the



NCB office once in a month to mark his appearance.

- iv) The applicant shall appear regularly before the learned Trial Court, unless exempted.
  - v) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
13. Accordingly, the present bail application stands disposed of.
14. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
15. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JANUARY 13, 2026/GJ/RB**