$~2

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

\# **CNR No. DLHC010452402026**

\+ BAIL APPLN. 3980/2026

KALU ALIAS SACHIN @ CHANAKYA .....Petitioner

Through: Mr. Himanshu Goel and Mr. Udit Sah, Advs.

versus

STATE NCT OF DELHI .....Respondent

Through: Ms. Richa Dhawan, APP for the State
SI Balram, Anti-Narcotics Cell, NWD

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 27.10.2026

1. The present Bail Application has been filed under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [‘BNSS’] read with Section 37 of the Narcotic Drugs and Psychotropic Substance Act, 1985 [‘NDPS Act’] seeking anticipatory bail in FIR No. 377/2026 dated 22.06.2026 [‘subject FIR’] registered at Police Station: Jahangirpuri, New Delhi for offences under Sections 22, 25 and 29 of the NDPS Act.

2. Ms. Richa Dawan, learned Additional Public Prosecutor [‘APP’] has handed over a status report dated 25.10.2026.

3. The status report dated 25.10.2026 records the events leading to the registration of the subject FIR as that on the evening of 21.06.2026 the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28

Police officials raided the first floor of Jhuggi No. D-178, Jahangir Puri, Delhi belonging to the accused namely Paaro and apprehended her along with her sisters namely Usha and Kanta and their brother Amit. It is stated that 1300 tablets of Addnok-N, Buprenorphine 2 mg and Naloxone 0.5 mg Sublingual Tablets prohibited under the NDPS Act was recovered along with huge amount of Avil injections, needles and unaccountable cash of Rs. 20 lakhs, 2.5 kilograms of silver ornaments and 250 grams of gold ornaments was recovered from the said premises. It is stated that thereafter the subject FIR was registered and the accused persons Paaro, Usha, Kanta and Amit were arrested and are in Judicial Custody ['JC'] till date.

3.1 It is stated that after further investigation the accused Paaro revealed that first floor of H. No. D-191, Jahangir Puri, Delhi ['applicant's jhuggi'] is occupied by their associate, the accused applicant, who helps the accused Paaro in storage and disposal of intoxicating tablets/injections.

3.2 It is stated the raid commenced on the evening of 21.06.2026 and continue till the morning of 22.06.2026.

3.3 It is stated that thereafter, the applicant's jhuggi was searched, in the presence of the father of the accused applicant, during which a complete carton containing 400 Avil injections was recovered from the accused applicant's iron almirah. Along with the same, cash of Rs. 63,000/- and 1880 needles were also recovered from the accused applicant's jhuggi. It is stated however, the accused applicant was not present during the search of the accused applicant's jhuggi.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28

3.4 It is stated that the accused applicant was granted interim protection against arrest by the learned Sessions Court on 08.07.2026, subject to the accused applicant joining and cooperating in the investigation. The applicant accused joined investigation on 09.07.2026. During the investigation, the accused applicant's phone was seized and it was found that photos of prohibited medicines similar to what was recovered from in the raid conducted on 21st and 22nd June 2026 was also present in his phone. The accused applicant could not provide any explanation for the said photos.

3.5 It is stated that thereafter, on 08.09.2026, considering the facts and circumstances of the case, the interim protection granted to the accused applicant was vacated by the learned Sessions Court and the application for anticipatory bail was dismissed.

3.6 It is stated that the accused applicant has admitted in his interrogation report that he used to bring prohibited medicines in a covert manner from ISBT Kashmere Gate using auto-rickshaw and used to hand over the packets to accused Paaro at her jhuggi for which he used to get around Rs. 1000/- to Rs. 1200/- for a day. It is stated that the accused applicant also admitted that he used to store the prohibited medicines for the accused Paaro for which she used to pay him.

3.7 It is stated that the name of the accused applicant had already surfaced in the disclosure statement of all the arrested persons on the day of the raid that is on 22.06.2026, itself as well in the supplementary statement dated 07.09.2026 of the accused Paaro.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28

3.8 It is stated that on 12.10.2026, the accused applicant was granted interim protection by this Court subject to him joining and cooperating in the investigation. It is stated that the accused applicant joined the investigation on 13.10.2026 and also on 24.10.2026. However, the accused applicant was found to mislead the investigation. It is stated that the accused applicant stated that he is aware of a source person namely Mr. Chaudhary, who supplies prohibited NDPS medicines and is running a medical store and is involved in supplying NDPS medicines to accused Paaro. However, the accused applicant has not provided precise details of the said person or the store.

3.9 It is stated that the accused applicant is an active member of the drug syndicate in the present matter and part recovery in the present case has been made from applicant's jhuggi, in the presence of the applicant's father.

3.10 It is submitted that IO is also seeking to trace Fauji alias Sadiq Ansari, who is believed to be the source of the contrabands recovered from the accused Paaro.

3.11 It is clarified that the State is taking steps to file an application for cancellation of the grant of anticipatory bail to the suspect Manju on 08.09.2026 by the Trial Court.

3.12 It is stated that as per the disclosure of accused Paaro, the accused applicant also had started independently procuring prohibited medicines from another source.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28

4. Mr. Himanshu Goel, learned counsel for the accused applicant states that accused applicant is a daily gig worker who operates an autorickshaw. He submits that the accused applicant resides in a rented jhuggi, which belongs to the accused Paaro. He states that the accused applicant used to collect parcels for the accused Paaro from ISBT Kashmere Gate but he did not have any knowledge about the contents inside these parcels. He states that the accused applicant has no knowledge of the whereabouts of Fauji alias Sadiq Ansari.

4.1. He states that the for the recovery of 400 Avil injections a separate proceeding under the Drugs and Cosmetics Act, 1940 has already been initiated against the accused applicant. He states that therefore the said recovery said injections has no connect with the subject FIR.

5. This Court has heard the learned counsel for the parties and perused the record.

6. The recovery effected by the police in the search and raid conducted on 21st and 22nd June 2026 from the co-accused persons is of a commercial quantity. The co-accused Paaro in her disclosure statement has referred to the role of the accused applicant in assisting her for collecting contraband from ISBT Kashmere Gate, sent by her supplier. The accused applicant has not denied his association with the accused Paaro for the said limited purpose of collecting parcels from ISBT Kashmere Gate. The photos of prohibited medicines recovered from the mobile phone of the accused applicant which are same as the prohibited medicines recovered on 21st June 2026, though for a different batch, corroborates the disclosure of co-accused

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28

Paaro. The applicant accused has no explanation for the presence of the said photos in his mobile phones. The presence of photos in the mobile phone of the accused applicant thus, shows that the accused applicant was aware of the contents of the parcels he collected for accused Paaro. The prosecution has thus been able to show that there is a connection between the accused applicant and the co-accused persons from whom the recovery of contraband has been affected, the accused applicant is related to the collection of the prohibited medicines and is therefore neither a stranger nor ignorant of the happenings.

7. Learned counsel for the petitioner alleged that there is no video of the search conducted at the accused applicant's jhuggi in the e-Sakshya portal. This submission is disputed by the IO. Learned APP submits that the search of the accused applicant's Jhuggi was duly recorded and has been uploaded on the e-Sakshya portal. This submission of the IO is taken on record and is relied upon by this Court while deciding this matter and application. The recovery of the 400 Avil injections from the accused applicant's jhuggi is a suspicious circumstance and learned counsel for the accused applicant has no satisfactory explanation for the presence of the said goods in such large quantity in the jhuggi of a gig worker.

8. The IO is still looking for information to trace the source of the supply of the confiscated contraband, who has been identified as Fauji alias Sadiq Ansari. Neither of the accused persons have provided details to the IO for tracing the whereabouts of the said suspect Fauji alias Sadiq Ansari.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28

9. This Court is therefore satisfied that the accused applicant has not disclosed the entire information, available with him, about the mode of collection and supply of the prohibited medicines and has therefore prima facie not cooperated with the investigation.

10. The Supreme Court has held in **State of Haryana v. Samarth Kumar**[1] that grant of anticipatory bail in an FIR registered for an offence under the NDPS Act is not warranted. The ratio of the said order is squarely applicable to the facts of this case.

11. Accordingly, this Court is satisfied that no case for grant of anticipatory bail is made out in the present case.

12. Interim orders of protection *qua* the accused applicant stands vacated.

13. Learned APP is directed to file the status report dated 25.10.2026 on record.

14. It is clarified that the observations made herein are solely for the purpose of adjudication of the present application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the accused applicant at any subsequent stage of the proceedings.

15. However, this Court notes that the learned APP and the IO had no reasonable explanation for not pursuing the suspect Manju despite admitting that she has continued contact with Fauji alias Sadiq Ansari to the extent of

[1] 2022 SCC OnLine SC 2087 [paragraph 2 to 10]

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28

2000 calls. The submission that IO is proposing to file the application for cancellation of her anticipatory bail appears to be a weak explanation.

16. Learned APP is directed to bring this observation of the Court to the attention of the DCP who has the supervisory oversight over the IO to examine the direction of the investigation, within one (1) week.

17. With the aforesaid directions, the present Bail Application is dismissed.

18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 27, 2026/hp/IB

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:19:28