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

+ **BAIL APPLN. 2989/2025**

VISAKHA SINGH

.....Applicant

Through: Mr. M.L. Yadav, Mr. Harish Chand, Mr. Anant Chittoria, Mr. P.C. Arya, Mr. Prashant & Mr. Piyush Saini, Advocates.

versus

NARCOTICS CONTROL BUREAU (NCB)

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.04.2026

1. The applicant seeks regular bail in connection with NCB Crime No. VIII/33/DZU/2023, for offences punishable under Sections 8/18/23/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [“NDPS Act”].

2. I have heard Mr. M.L. Yadav, learned counsel for the applicant, and Ms. Shelly Dixit, learned counsel for the respondent.

3. The prosecution case concerns the recovery of 4.536 kg opium from the office of a courier company, DHL Express (India) Pvt. Ltd. at 71/3 Rama Road, Najafgarh Industrial Area, New Kirti Nagar, New Delhi-15. Two parcels [AWB No. 3167089505 and AWB No. 3167063056] were intercepted on 03.07.2023, pursuant to secret information received by the respondent. They were found to contain small tin boxes, which, upon opening, revealed the presence of a brown semi-solid substance. The substance from each box was subjected to field



testing by the raiding team. The results of the testing returned positive for opium. The recovery was effected in the presence of an independent witness. According to the prosecution, the applicant was the sender of the parcels, which were addressed to Jugraj Singh and Baljeet Singh in Canada. His name appears on the parcels, and in the documentary KYC records. The prosecution also relies upon WhatsApp communication and CCTV footage obtained from the office of the courier company where the parcels were booked [SM International Worldwide Express Courier Services, Jagraon, Ludhiana, Punjab]. It is alleged that the statement of the booking agent has been recorded, implicating the applicant as the person who personally booked the parcels, and this is corroborated by the CCTV footage, which depicts the presence of the applicant at the time the parcels were booked. Additionally, the prosecution relies upon Call Detail Records [“CDR”] between the applicant and the purported recipients in Canada.

4. Mr. Yadav submits that, although the parcels were intercepted on 03.07.2023, the applicant was given notice to join the investigation only on 19.12.2023 and was arrested on 02.01.2024. It is submitted that he has been incarcerated since then, i.e., for a period of over two years and three months. In the meanwhile, only the first of 13 witnesses has been examined. He therefore submits that, even on the ground of prolonged incarceration, without any prospect of the trial being expedited, the applicant ought to be released on bail. He submits that the evidence of CDR and WhatsApp connectivity is required to be proved at trial and does not justify the continued incarceration of the applicant. Mr. Yadav relies upon the judgment of a coordinate bench in *Kashif v. Narcotics*



Control Bureau [BAIL APPL. 1453/2025 decided on 12.02.2026] [hereinafter, “*Kashif*”] and of the Supreme Court in *Dheeraj Kumar Shukla v. State of Uttar Pradesh* [2023 SCC OnLine SC 918] to submit that the ground of prolonged incarceration is sufficient in the present case.

5. Ms. Dixit, on the other hand, submits that the present case involves a commercial quantity of opium, being more than 2.5 kg. She therefore emphasizes that the rigours of Section 37 of the NDPS Act would be applicable and, according to her, there is no ground for this Court to record a *prima facie* finding that the applicant is not guilty of the alleged offence, particularly in view of the fact that his image is captured in CCTV footage while booking the parcels in question, which is corroborated by WhatsApp conversations in which he is tracking the delivery of the same parcels. Coupled with the fact that the applicant’s name and KYC documents are also associated with the booking of the parcels as the sender, she submits that there is sufficient material against him. She further submits that the applicant was earlier involved in a case under the NDPS Act, also involving a commercial quantity of opium, although he was acquitted in that case by the judgment of the Special Court in Ludhiana [S.C. No. 110 of 17.07.2010, NDPS/34982/2023 decided on 30.01.2025]. As far as the ground of prolonged incarceration and delay in trial is concerned, Ms. Dixit submits that the trial has already commenced, and the testimony of the independent witness is presently being recorded.

6. Having heard learned counsel for the parties, I do not consider this to be an appropriate case for the grant of bail at this stage. The case



advanced by the prosecution is *prima facie* supported by electronic and documentary evidence which suggest that the petitioner was the sender of the parcels. These are in the form of his name appearing on the parcels, KYC records, which show that the consignments were booked on the basis of the applicant's own KYC documents, CCTV footage of the booking office, which *prima facie* reveals that the applicant had personally booked the packages, and the statement of the booking agent. In these circumstances, the applicability of the twin conditions prescribed under Section 37 of the NDPS Act operates against the applicant. I am conscious of the judgment of the Supreme Court in *Mohd. Muslim v. State (NCT of Delhi)* [2023 SCC OnLine SC 352], which states that an assessment has to be undertaken on a *prima facie* basis, and not on a standard beyond reasonable doubt. However, I am unable to record a finding, even *prima facie*, that there are reasonable grounds for believing that the applicant is not guilty of the offence. The *prima facie* material in the present case, in my view, does not support such a conclusion.

7. The judgment of this Court in *Kashif*, cited by Mr. Yadav, is, in my view, distinguishable. In that case, the accused was not a named sender of the courier parcels, and the only material linking him to the consignments was in the form of WhatsApp conversations, a disclosure statement of a co-accused, CDRs, and financial records. The Court held that, in such circumstances, the accused was entitled to the benefit of prolonged incarceration, with only two out of the 31 witnesses having been examined. The *prima facie* material in the present case is, in my view, of a different quality.

8. As far as prolonged incarceration is concerned, I also do not



consider this a fit case for the grant of bail at this stage. The trial has already commenced. The testimony of an independent witness is in progress, and there are altogether 13 witnesses to be examined. The order of the Supreme Court in *Ankur Chaudhary v. State of Madhya Pradesh* [SLP(Crl.) 4648/2024, decided on 28.05.2024] cited by Mr. Yadav, in contrast, concerns a case where the panch witnesses had already been examined.

9. Having regard to the aforesaid factors, I am not inclined to release the applicant on bail at this stage.

10. However, it may be open to the applicant to approach the Special Court afresh, in the event of any change in circumstances, including any future extraordinary delay in completion of trial.

11. The bail application is therefore dismissed in terms of the above.

12. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

PRATEEK JALAN, J

APRIL 10, 2026

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