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

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*Judgment reserved on: 06.02.2026**Judgment pronounced on: 27.03.2026**Judgment uploaded on: 28.03.2026*+ **BAIL APPLN. 3211/2025****DEEPAK KHURANA**

.....Petitioner

Through: Mr. Sunil Dalal, Sr Adv. with
Mr. Harish Chand, Mr. Anant
Chittoria, Mr. Deepak Ahlawat
and Mr. P.C. Arya, Adv.

versus

NATIONAL INVESTIGATION AGENCYRespondent

Through: Ms. Shilpa Singh, SPP and Ms.
Priyam Agrawal, Adv.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. RC-35/2022/NIA/DLI, registered at Police Station National Investigation Agency, Delhi, for the commission of offences punishable under Section 21(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').



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2. Briefly stated, the facts of the present case are that a consignment of liquorice roots (Mulethi), which had been imported from Afghanistan, had been intercepted, and upon inspection, a total of 102.784 kilograms of heroin had been recovered concealed therein. The said consignment had allegedly been imported by accused Vipin Mittal, in furtherance of a conspiracy involving other co-accused persons. During the course of investigation, it had been revealed that the conspiracy to smuggle the aforesaid contraband had been hatched in late 2021 and was executed thereafter. It had further emerged that the operation had been masterminded by one of the co-accused from abroad, while the procurement and dispatch of the contraband from Afghanistan had been facilitated by another co-accused. The receipt of the consignment in India had been managed by certain accused persons, and the subsequent distribution and sale of the contraband had allegedly been handled by a network of associates, including the present applicant. During the course of the investigation, it was revealed that certain co-accused persons had been involved in managing and routing the proceeds of crime, including transferring funds abroad and arranging advance payments for the consignment. The recovered contraband, being of commercial quantity, had attracted the rigours of the NDPS Act. It is alleged that the present applicant, who has been arrayed as an accused in the chargesheet, had been actively involved in the distribution network and is stated to be a close associate of one of the key conspirators operating from abroad.



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3. The learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case and there is no cogent or admissible evidence on record to connect him with the alleged offence. It is contended that the role attributed to the applicant is limited to an alleged conspiracy, without any recovery of contraband, money, or any incriminating material from him. Learned counsel submits that the applicant has been arrested solely on the basis of disclosure statements of co-accused persons, which are inadmissible in evidence and cannot form the basis for continued incarceration. It is further argued that even the prosecution's reliance on call detail records is misconceived, as the same are merely circumstantial in nature and are matters to be tested during trial. Learned counsel submits that there is no direct or independent evidence to establish any meeting of minds or agreement so as to constitute a criminal conspiracy. It is also contended that the statements of certain witnesses relied upon by the prosecution are hearsay in nature and do not implicate the applicant directly. Learned counsel further submits that the applicant has been in judicial custody since 21.03.2024, i.e., for a substantial period, and the trial is likely to take considerable time, especially as a large number of witnesses have been cited by the prosecution. It is argued that charges have already been framed and the case is at the stage of prosecution evidence, yet no witness has been examined till date. It is also submitted that the applicant had been granted interim bail earlier and had duly complied with all the conditions imposed upon him, which



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demonstrates that he is not a flight risk and is willing to cooperate with the trial. Learned counsel further submits that the co-accused, from whom the alleged recovery had been effected, has already been granted bail by a co-ordinate Bench of this Court, and therefore, the applicant is entitled to the benefit of parity. Learned counsel also submits that the applicant has roots in society, has family responsibilities, and his wife is suffering from serious medical ailments, requiring constant care. It is contended that the applicant is not in a position to influence witnesses or tamper with evidence, particularly when the material relied upon by the prosecution is documentary in nature. On these grounds, it is prayed that the applicant be enlarged on bail.

4. The learned APP for the State, on the other hand, has opposed the present bail application and submits that there is sufficient material on record to establish the active involvement of the applicant in the alleged offence. It is contended that, at the instance of co-accused Shahid Ahmed, the present applicant had travelled to Muzaffarnagar and other places on multiple occasions for assessing the quality of the contraband during the relevant period. It is further submitted that the applicant had also facilitated the receipt and diversion of proceeds of crime on behalf of co-accused persons, thereby playing a crucial role in the financial transactions of the syndicate. Learned APP further submits that the applicant was part of the larger conspiracy for importing the consignment of liquorice roots in which heroin had been concealed, and even after the consignment



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was intercepted, he had made attempts to get it cleared from customs through his contacts. It is also contended that the antecedents of the applicant reflect his involvement in similar offences, and recoveries effected in other cases further establish his connection with narcotic trafficking networks. It is argued that the rigours of Section 37 of the NDPS Act are clearly attracted in the present case, as the recovery pertains to commercial quantity, and the applicant has failed to satisfy the twin conditions required for grant of bail. It is further submitted that physical recovery from the applicant is not a sine qua non, as the offence of criminal conspiracy and participation in the drug trafficking network is sufficient to attract liability under the NDPS Act. Learned APP submits that the applicant is a key member of a well-organized narcotic syndicate, involved in distribution and sale of contraband at the local level, and was acting under the directions of an absconding co-accused operating from abroad. Considering the gravity of the offence, the quantity of contraband involved, the stage of trial, and the antecedents of the applicant, it is prayed that the present bail application be dismissed.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

6. At the outset, this Court notes that the present case arises out of a seizure of 102.784 kilograms of heroin effected by the Narcotics Control Bureau from a consignment of liquorice roots (mulethi), which had been imported under the guise of a licit trade. The quantity of contraband so recovered is indisputably a commercial quantity of



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the highest magnitude, thereby attracting the rigours of the NDPS Act, 1985.

7. The applicant/accused stands charged for offences punishable under Sections 21(c), 23(c) and 29 of the NDPS Act. The punishment prescribed for such offences, involving commercial quantity, is rigorous imprisonment for a term not less than 10 years, extendable up to 20 years, along with fine, thereby reflecting the grave and serious nature of the allegations.

8. This Court further observes that the present case is not one of mere recovery of contraband, but involves a well-orchestrated international criminal conspiracy for procurement, import, distribution and financial routing of narcotic drugs. The material placed on record reveals that the contraband was sourced from Afghanistan, routed through international channels, and distributed within India through a network of co-accused persons.

9. The record discloses that the role attributed to the present applicant is not peripheral. Statements of witnesses, including independent witnesses recorded under Sections 161 and 164 Cr.P.C., as well as the statement of the approver, prima facie indicate that the applicant had actively participated in the conspiracy. It has specifically come on record that the applicant had travelled to various places including Muzaffarnagar and other locations within India for the purpose of testing the quality of the processed contraband, and was involved in coordinating activities at the behest of co-accused persons.



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10. Further, the material on record reveals that the applicant was in constant touch with co-accused Shahid Ahmed, who is stated to be operating from abroad and is alleged to be the kingpin of the syndicate. It is also alleged that on his instructions, the applicant had made efforts to get the consignment cleared from customs by approaching various contacts, and had also received and delivered proceeds of drug trafficking across different States. The investigation further indicates that the applicant was closely associated with other members of the syndicate, some of whom are still absconding.

11. This Court also takes note of the submission of the prosecution that the applicant is a habitual offender, with involvement in similar offences, and that recoveries of narcotic substances have been effected from him in other cases by the Punjab Police, thereby indicating his continued association with illicit drug trafficking activities. Such antecedents assume significance while considering the likelihood of the applicant indulging in similar activities if released on bail.

12. At this stage, it is apposite to note that in view of the nature of the offences and the quantity involved, the statutory embargo contained in Section 37 of the NDPS Act squarely applies. The twin conditions stipulated therein require the Court to be satisfied that (i) there are reasonable grounds for believing that the accused is not guilty of the offence, and (ii) he is not likely to commit any offence while on bail. Upon a careful consideration of the material on record, this Court is unable to arrive at such satisfaction.



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13. The contention of the applicant regarding absence of recovery from his conscious possession does not persuade this Court, inasmuch as the present case is founded upon conspiracy and coordinated illegal activity, and the law is well-settled that absence of direct recovery does not dilute the rigour of Section 37 where there exists prima facie material indicating involvement in the offence.

14. The argument of prolonged incarceration is also not sufficient to override the statutory mandate, particularly in cases involving commercial quantity and organised drug trafficking, which have far-reaching implications on public health, societal order and national security.

15. In view of the gravity of the allegations, the nature of the evidence collected, the role attributed to the applicant, his antecedents, and the statutory bar under Section 37 of the NDPS Act, this Court is of the considered view that the applicant has failed to satisfy the conditions necessary for grant of bail.

16. Accordingly, no ground for grant of bail is made out, and the present application is dismissed.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/

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