



\$~2

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

+ **BAIL APPLN. 3220/2025**

GAURAV SINGH CHAUHAN

.....Applicant

Through: Mr. N. Hariharan, Sr. Adv. with
Mr. Siddharth S. Yadav, Mr. Rahul,
Mr. Kashish Ahuja, Mr. Ayush Kr.
Singh, Ms. Rekha Punya, Mr. Arjan
Singh, Ms. Sana Singh, Ms.
Vasundhra N., Mr. Aman Akhtar
and Ms. Vasundhra Tyagi, Ms.
Sneha B. and Mr. Rahul Yadav,
Advs.

versus

NCB

.....Respondent

Through: Mr. Arun Khatri, SSC with Mr.
Pranavjeet Singh and Ms. Shelly
Dixit and Ms. Poonam, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

06.05.2026

%

1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in connection with case arising out of NCB Case No. VIII/01/DZU/2024 registered at PS: NCB-DZU under *Sections 8/9A/22(c)/23(c)/25/27A/28/29/30* of Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**).

2. *Briefly put*, the prosecution story insofar as the present applicant is



that on 17.01.2024, based on secret information, one parcel lying at the office of DHL Express, Kirti Nagar, Najafgarh Industrial Area, New Delhi was subjected to examination, which led to the recovery of 2.946 kg of 'Methamphetamine'. During the course of investigation, it transpired that the said parcel was booked from the DTDC Super Hub, Samalkha, New Delhi through a Jaipur based DTDC franchise. Thereafter, based on the disclosure made by the booking agent, co-accused Mukesh Chouhan and Pinku Singh Rajput were intercepted, upon whose disclosure, the role of the present applicant surfaced. Subsequently, on 22.01.2024, the applicant was apprehended and a total of 12.160 kg of 'Methamphetamine' was recovered from his residence. He was then arrested the following day, i.e., 23.01.2024. Thereafter, based on the applicant's disclosure statement, additional contrabands were recovered as well as a clandestine 'Methamphetamine' lab was busted in Ludhiana, Punjab and other co-accused persons were arrested.

3. In these facts, learned senior counsel for applicant praying for enlargement of the applicant on regular bail submits that *[i]* the applicant is a person with clean antecedent who has been falsely implicated in the present case on the basis of his own disclosure statement and that of other co-accused persons; *[ii]* the recovery of contraband which has been shown to have been effected at the instance and from the *alleged* house of the applicant is irrelevant, as it fails to qualify the preconditions laid down under *Section 27* of the Indian Evidence Act, 1872 inasmuch as the discovery was effected on 22.01.2024 whereas his disclosure statement was recorded on 23.01.2024; *[iii]* the applicant's disclosure statement is inadmissible in the eyes of law; *[iv]* three similarly placed co-accused



Manpreet Singh Gill, Vikramjit Singh and Rahul Kumar Sarangal have already been granted bail by this Court; [v] the applicant is in custody since 23.01.2024 and investigation stands concluded with chargesheet having been filed; and lastly [vi] the trial is at the stage of framing of charges and there are as many as *thirty-nine* prosecution witnesses, it is very likely that conclusion of trial will take time.

4. *Per contra*, learned SSC for NCB, relying upon the Status Report, opposed the grant of bail and submits that [i] *commercial quantity* of 'Methamphetamine' was recovered from the house of the applicant in the presence of independent witnesses and, therefore, the rigours of *Section 37 NDPS Act* are clearly attracted against the present applicant; [ii] there exists CDR connectivity/ WhatsApp chats between the applicant and other co-accused during the relevant period; [iii] CCTV footage and location corroborate the presence and involvement of the applicant along with other co-accused in the whole operation of illegal drug trafficking; [iv] there are financial transactions between the applicant and other co-accused; [v] pursuant to the disclosure statement of the applicant, a clandestine 'Methamphetamine' lab was busted in Ludhiyana, Punjab, leading to recovery of additional narcotics and arrest of five persons including foreign nationals; [vi] the trial is at the nascent stage, and if bail is granted to the applicant, then the applicant may tamper with the evidence, influence/ threaten the witnesses, jump the bail and may not join the trial.

5. Heard learned counsel for the parties and perused the documents on records

6. As borne out from the facts herein, apart from other recoveries that



had been affected herein, a total of 12.160 kg of 'Methamphetamine' had been recovered from the house of the applicant, which is far in excess of the notified commercial quantity of 50 grams, thereby squarely attracting the stringent twin conditions imposed by *Section 37* of the NDPS Act for grant of bail. As held by the Hon'ble Supreme Court in ***Union of India v. Ram Samujh : (1999) 9 SCC 429***, ***Union of India v. Ajay Kumar Singh : 2023 SCC OnLine SC 346***, ***Union of India v. Vigin K. Varghese : 2025 SCC OnLine SC 2440***, and much recently in ***State of Punjab v. Sukhwinder Singh @ Gora : 2026 INSC 411***, these conditions are not mere empty formalities, but constitute a legislative mandate which has to be considered where there is a recovery of commercial quantity and can only be relaxed on careful appraisal of the material and not as matter of course.

7. In the present case not only a total of 12.160 kg of 'Methamphetamine' has been recovered from the house of the applicant in the presence of independent witnesses but based on the disclosure statement of the applicant a clandestine 'Methamphetamine' laboratory at Ludhiana, Punjab was busted leading to recovery of additional contrabands and arrest of five persons, including three foreign national. These circumstances, coupled with the material collected during investigation including the CDR connectivity, WhatsApp chats, CCTV footage, location details, and financial transaction, *prima facie* indicates the complicity of the applicant in an organised international drug trafficking cartel/ syndicate.

8. Viewed thus, the twin conditions as engrafted under *Section 37* of the NDPS Act are not satisfied in the present case so as to enlarge the applicant on bail.



9. *Lastly*, since the trial is still at the stage of framing of charge and the evidence of material witness(es) is yet to commence, considering the numbers involved there exists a reasonable likelihood of the applicant influencing the witnesses and/ or jumping the bail.

10. *Ergo*, in view of the aforesaid discussion, the present bail application is dismissed.

10. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

MAY 6, 2026/bh