



2026:DHC:1926



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

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Date of Decision: 09.03.2026+ **BAIL APPLN. 3276/2025****MOHAN LAL CHOUDHARY**

.....Petitioner

Through: Mr. Sumit Sharma, Mr. Narender and
Ms. Neha Ghugtyal, Advocates.

versus

STATE THROUGH SHO SPECIAL CELL

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Inspector Sanjeev Kumar, PS
Special Cell.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The applicant/accused seeks regular bail in case FIR No. 154/2023 of Police Station Special Cell for offence under Section 18 & 29 of the NDPS Act.

2. Broadly speaking, the allegation against the accused/applicant is that on the basis of a secret information, a raiding team was constituted which intercepted the truck owned and being driven by the accused/applicant and the said truck was found to contain 41.260 kg of opium, which is a commercial quantity. According to prosecution, the said contraband was being transported in his truck by the accused/applicant from Manipur to

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Delhi. The alleged supplier of the contraband has been granted bail today itself.

3. Learned counsel for accused/applicant contends that he is innocent and has been falsely implicated after letting off the actual culprit. It is contended that it is not believable that a truck would be driven from Manipur to Delhi by only single driver, without even a helper. Further, it is contended that since grounds of arrest were not provided to the accused/applicant, he deserves bail. Learned counsel for accused/applicant also contends that there is violation of Section 41 and 42 of the NDPS Act. Apart from that, it is also contended that delay in trial in itself is a ground in this case to grant bail.

4. Learned APP for State assisted by IO/Inspector Sanjeev Kumar strongly opposes bail application on the ground that the Supreme Court held in the case of *State of Karnataka vs. Sri Darshan Etc.* [SLP(Crl.) Nos. 516-522 of 2025] that procedural infirmities cannot make inroads into the twin conditions laid down by Section 27 of NDPS Act for grant of bail. Further, it is contended by learned APP that grounds of arrest were duly supplied by accused/applicant by way of copy of application for grant of police custody.

5. In rebuttal, learned counsel for accused/applicant places reliance on the judgment of Supreme Court in the case of *Ahmed Mansoor & Ors. vs. The State*, CRL. Appeal No. 4505/2025, and contends that the law discussed in the case of *Sri Darshan* (supra) operates only in cases of cancellation of

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bail.

6. So far as the grounds of arrest is concerned, in the case of *Ahmed Mansoor* (supra), the Supreme Court reiterated the legal position that grounds of arrest must be immediately furnished to the accused in order to confer legality to the detention. In the present case, learned APP has shown me the chargesheet including the application for grant of police custody and order passed by the learned trial court thereon. From the same, it cannot be inferred that copy of the said application was supplied to the accused/applicant. Nothing has been produced by prosecution to show supply of grounds of arrest to the accused/applicant.

7. There is another important aspect, which is similar to the one discussed in the bail order passed today in favour of co-accused Shatan @ Santosh. In order to show complicity of the accused/applicant, prosecution relies upon the location of the accused/applicant in Manipur at the time of dispatch of the contraband, followed by telephonic connectivity between the two accused persons. But similar to the case of Shatan @ Santosh, in the present case also, there is nothing to show that the telephone number on the basis whereof the said two aspects are sought to be established, belonged to the accused/applicant. As explained through chargesheet by learned counsel for accused/applicant, he had four mobile phone numbers, none of which reflects his presence in Manipur.

8. Besides that, I also find substance in the submission that

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transportation of a truck from Manipur to Delhi cannot be by a single driver, and as per prosecution, no second driver or cleaner or helper was found on the apprehended truck. On this aspect, contention of learned counsel for accused/applicant is that the accused/applicant was falsely implicated after letting off the actual culprits. Of course, on these aspects, the learned trial court shall take independent view at final stage.

9. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned Trial Court.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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(JUDGE)

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