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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 02nd April, 2026

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BAIL APPLN. 3280/2025 & CRL.M.A. 3676/2026

CRL.M.(BAIL) 2183/2025

DAL CHAND@DALU

.....Petitioner

Through: Mr. Chitwan Sharma, Advocate.

versus

STATE THROUGH PS SPECIAL CELL

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Dharmender, P.S.: Spl. Cell, NR & STF.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

02.04.2026

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No.111/2023 dated 23.04.2023 registered under sections 18/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') at P.S.: Special Cell, Delhi.

2. Notice on this petition was issued on 28.08.2025.
3. Status Report dated 30.08.2025 has been filed on behalf of the State.
4. Nominal roll dated 03.09.2025 has also been received from the Jail Superintendent.
5. Pursuant to order dated 04.02.2026, the petitioner has given updated written submissions dated 06.02.2026; and State has given a note of their submissions *vide* status report under cover of index dated 06.02.2026.



6. The court has heard Mr. Chitwan Sharma, learned counsel appearing for the petitioner; as well as Ms. Shubhi Gupta, learned APP appearing for the State.
7. The offence for which the petitioner is in custody and which is the subject matter of the subject FIR, is the seizure of contraband made on 23.04.2023.
8. Briefly, the case of the prosecution is as follows:
 - 8.1. That on the basis of secret information received, one Lakhpat (driver of the truck) and one Suresh (helper on the truck) were apprehended on 23.04.2023; and about 95 kgs of opium was recovered from the truck, and about 05 kgs of opium was recovered from the 'pithu bag' that Lakhpat was carrying.
 - 8.2. That in conspiracy and connivance with the other co-accused persons, the petitioner is involved in the trafficking of opium.
 - 8.3. That the petitioner has been named in the disclosure statements of both Lakhpat and Suresh.
 - 8.4. That though no recovery has been made from the petitioner, the petitioner is involved in the trafficking of contraband and was arrested in the subject FIR on 24.04.2023.
 - 8.5. That in his disclosure statement, the petitioner has named one Lallan Yadav, as the supplier of opium; and one Prakash Puri, as the *hawala* operator who was involved with the money dealings relating to the contraband.
9. The incriminating evidence cited by the State against the petitioner, is the following:



- 9.1. The alleged cellphone connectivity between the petitioner and the co-accused persons viz., Lakhpatri, Prakash Puri, and Lallan Yadav;
- 9.2. Allegedly intercepted incriminating calls between the petitioner and co-accused persons Lakhpatri, Prakash Puri, and Lallan Yadav, viz.,:
 - 9.2.1. Intercepted voice calls dated 25.03.2023 are cited between the petitioner and Prakash Puri, which the prosecution alleges, support the allegation that the two interlocutors were discussing payment for contraband through *hawala*, with Prakash Puri being the *hawala* operator;
 - 9.2.2. Another intercepted voice call dated 27.04.2025 between the petitioner and co-accused Lallan Yadav (who is alleged to be the supplier of the contraband), the allegation being that the petitioner was discussing the delivery of contraband and payment of money towards that supply; and
 - 9.2.3. Another intercepted voice call dated 21.04.2023 allegedly between the petitioner and Lakhpatri, where the petitioner is stated to be guiding Lakhpatri as to where he is to bring his truck for delivery of the contraband.
- 9.3. As per the Forensic Science Laboratory ('FSL') report, the voice sample of the petitioner has matched with the voice on the intercepted calls, showing the petitioner's complicity in the offence.



10. Furthermore, the State has relied upon the disclosures statements of co-accused persons, in which statements, the co-accused persons viz., Lakhpat and Suresh are alleged to have attributed a role to the petitioner in relation to the offence. However, no recovery is stated have been made from the petitioner pursuant to such disclosure statements.
11. The State has also drawn attention to the fact that the petitioner has at least 03 other involvements in cases under the NDPS Act, which are as follows:
 - 11.1. FIR No.76/2014 registered at P.S.: Chittorgarh, Rajasthan;
 - 11.2. FIR No. 303/2018 registered at P.S.: Civil Lines, Budaun, Uttar Pradesh; and
 - 11.3. FIR No.228/2021 registered at P.S.: Farukhabad Kotwali, Fatehgarh, Uttar Pradesh.
12. Insofar as cellphone connectivity and the intercepted voice calls are concerned, learned counsel for the petitioner has responded to those allegations by submitting, that the allegedly intercepted voice calls on 25.03.2023 and 27.03.2023 are almost a month prior to the date of alleged recovery of contraband in the present case, which is alleged to have been made on 23.04.2023. It is submitted, that accordingly whatever may have been discussed in the said alleged voice calls cannot possibly have any nexus with the contraband allegedly seized a month later on 23.04.2023.
13. Responding to the allegedly incriminating nature of the intercepted voice call on 21.04.2023 *i.e.*, just two days prior to the alleged recovery of the contraband on 23.04.2023, it has been argued on



behalf of the petitioner that the transcript of the said alleged voice call would show that there is no reference in the call to any contraband; and nothing incriminating can be alleged based on that conversation.

14. It has also been argued on behalf of the petitioner that there is no material to show any money trail between the petitioner and the co-accused persons; nor any record of any incriminating conversations or other communications between them.
15. It has been argued that the case foisted upon the petitioner, is therefore based entirely on circumstantial evidence, which however, even if taken as canvassed by the prosecution, does not lead to the irresistible conclusion of the guilt of the petitioner, when tested on the settled principles of circumstantial evidence.
16. In the circumstances, it is argued that the stringent provisions of section 37 of the NDPS Act do not stand in the way of the petitioner being granted bail, since based on the evidence cited against the petitioner, this court would discern reasonable grounds for believing that the petitioner is *not* guilty of the offence alleged.
17. It is submitted that the petitioner is a family man; that he has an elderly mother, an ailing wife, and 03 minor children, who are solely dependent upon him, since the petitioner is the sole breadwinner of the family.
18. It is argued that chargesheet has already been filed in the matter, in which the prosecution has cited 25 witnesses; that proceedings before the learned trial court are at the stage of framing of charge; and that the trial is progressing at snail's pace.



19. Furthermore, it is pointed out that the following co-accused persons have already been enlarged on regular bail:
 - 19.1. Co-accused Lallan Yadav, with whom a voice-call has been cited as incriminating evidence against the petitioner, has already been granted regular bail *vidé* order dated 16.12.2024 passed by this Bench in BAIL APPLN. 1336/2024;
 - 19.2. Co-accused Suresh, who was the helper on the truck, from which truck contraband is alleged to have been recovered, has also been admitted to regular bail *vidé* order dated 16.12.2024 passed by this Bench in BAIL APPLN.1115/2024; and
 - 19.3. Co-accused Prakash Puri, who is alleged to have been the *hawala* operator, has also been granted regular bail *vidé* order dated 07.01.2025 by the learned ASJ/Spl. Judge, NDPS/N, Delhi.
20. As per nominal roll dated 03.09.2025, it is seen that the petitioner has already been in judicial custody for more than 02 years; and his overall jail conduct has been 'satisfactory'. It may be noted that the nominal roll also does not show any other criminal implications.
21. Upon a conspectus of the submissions made, and based on the material on record, the considerations that weigh with the court *at this stage* are the following:
 - 21.1. No recovery of any contraband is alleged to have been made from the petitioner;
 - 21.2. The petitioner's name has come into the matter based solely on the disclosure statements of co-accused Lakhpatt and Suresh, of whom Suresh has already been admitted to regular bail;



- 21.3. The petitioner is sought to be implicated based on certain set of intercepted voice calls dated 25.03.2023, 27.03.2023, and 21.04.2023 between him and co-accused persons. While the intercepted voice calls dated 25.03.2023 and 27.03.2023 are too remote in point of time from the date of the alleged recovery of contraband on 23.04.2023, the transcript of the last voice call dated 21.04.2023 does not appear to contain any reference to any contraband or suspicious dealing that could be said to be *ex-facie* incriminating;
- 21.4. Three of the co-accused persons viz. Lallan Yadav, Suresh, and Prakash Puri have already been admitted to regular bail, while the petitioner has suffered judicial custody of more than 02 years; and
- 21.5. In the charge-sheet filed, the prosecution has cited 25 witnesses, but even charges have not been framed in the matter as of now; and therefore, it is unlikely that the trial in the matter will be completed any time soon.
22. Though the State has cited the petitioner's prior implications in 03 other cases under the NDPS Act, counsel for the petitioner has submitted that the petitioner has been acquitted in all the 03 cases. Attention in this behalf is drawn to the following:
- 22.1. Judgment dated 11.11.2022 passed by the learned Special Judge, Budaun, Uttar Pradesh, whereby the petitioner has been acquitted in case FIR No.303/2018 registered at P.S.: Civil Lines, Budaun, Uttar Pradesh;



- 22.2. Judgment dated 28.05.2022, whereby the learned Special Judge has acquitted the petitioner in case FIR No.76/2014 registered at P.S.: Chittorgarh, Rajasthan; and
- 22.3. Closure report dated 10.09.2022 filed by the Investigating Officer in case FIR No.228/2021 registered at P.S.: Farukhabad Kotwali, Fatehgarh, Uttar Pradesh, closing the case against the petitioner.
23. As a sequitur to the above, and considering the length of incarceration, the time it would take to complete the trial, and the fact that that 03 of the co-accused persons have already been admitted to regular bail, this court is persuaded to grant to the petitioner – ***Dal Chand s/o Har Prasad*** – *regular bail* pending trial, subject to the following conditions:
- 23.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;
- 23.2. The petitioner shall furnish to the Investigating Officer/S.H.O., Special Cell, Delhi a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 23.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;



- 23.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case;
- 23.5. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 23.6. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
24. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
25. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
26. The petition stands disposed-of in the above terms.
27. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 02, 2026

V.Rawat