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

+ **BAIL APPLN. 4243/2025**

SHADAB KHAN

.....Petitioner

Through: Mr. Akshay Bhandari, Ms. Megha Saroa, Mr. Kushal Kumar, Mr. Janak Raj Ambavat and Mr. Anmol Sachdeva, Advocates

versus

NARCOTIC CONTROL BUREAU

.....Respondent

Through: Mr. Arun Khatri, SSC (NCB), Ms. Shelly Dixit, Ms. Poonam Rani and Mr. Hitesh Nandal, Advocates

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

01.04.2026

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1. By way of the instant application, the applicant seeks grant of regular bail in case arising out of Case No. VIII/42/DZU/2021, registered at Narcotics Control Bureau (NCB), Delhi for commission of offence punishable under Sections 8/22/23/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*').

2. Briefly stated, the facts of the present case are that on 26.07.2021, acting upon secret information, officials of the complainant department had intercepted an export parcel bearing AWB No. 8007134192, destined for United States of America (USA), at the premises of DHL Express Pvt. Ltd., New Delhi, which had been found to contain 5950 tablets of Tramadol weighing 2.083 kgs, falling within the category of psychotropic substances



and constituting commercial quantity under the provisions of the NDPS Act. During the course of investigation, it had been revealed that the said parcel had initially been booked on 20.07.2021 at Trackon Courier, Hazratganj, Lucknow, by co-accused Rishabh Tandon using identity documents in the name of Md. Jafar. Further investigation had disclosed that the present applicant/accused Shadab Khan had supplied the said parcel to co-accused Rishabh Tandon for the purpose of booking, and had himself received the contraband from another co-accused, namely Sharik @ Shariq Khan. The applicant was apprehended on 02.09.2022 and, in his statement recorded under Section 67 of the NDPS Act, had admitted his involvement in the supply chain of the psychotropic substance. The investigation also revealed that the accused persons were in constant telephonic contact and were present in the same vicinity at the relevant time, and that incriminating WhatsApp communications had been recovered, *prima facie* linking the applicant to the commission of the offence.

3. The learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case and no recovery of psychotropic substance has been effected from his possession. It is argued that the prosecution case primarily rests on statements recorded under Section 67 of the NDPS Act, which are not admissible in evidence, and there is no material to establish any direct nexus between the applicant and the seized psychotropic substance. It is further contended that the only allegation against the present applicant is that he had merely handed over a parcel at the request of the co-accused but had no knowledge of its contents. The learned counsel further submits that the trial is likely to take considerable time to conclude and, therefore, continued incarceration of the



applicant is unwarranted. Accordingly, it is prayed that the applicant be enlarged on regular bail, since the co-accused Rishabh Tandon has also been granted regular bail by this Court.

4. The learned counsel appearing for the NCB, on the other hand, has opposed the present bail application and argues that the allegations against the applicant are serious in nature and pertain to the illegal export of commercial quantity of psychotropic substance, i.e. Tramadol tablets, which attracts the rigours of Section 37 of the NDPS Act. It is argued that 5950 tablets weighing 2.083 kg were recovered from the parcel destined for the United States, clearly falling within the category of commercial quantity. It is further submitted that the present applicant is an active participant in the conspiracy, as he had booked the parcel using forged identity documents and had admitted his role in his statement recorded under Section 67 of the NDPS Act. It is also contended that material prosecution witnesses, including PW Rajesh Gupta and PW Anupam Kumar, have already been examined and have supported the case of the prosecution by specifically attributing a role to the present applicant in booking and handling the parcel. It is argued that the trial is at an advanced stage, and releasing the applicant on bail at this stage may adversely affect the course of trial. It is, however, fairly conceded by the learned counsel appearing for NCB that co-accused Rishabh has been granted regular bail by this Court, considering the delay in trial, but not on merits of the case.

5. This Court has **heard** arguments addressed by learned counsel for the applicant and learned counsel for the NCB, and has perused the material on record.

6. In the present case, the allegations against the applicant pertain to an



attempt to export a consignment containing a commercial quantity of psychotropic substance, i.e. Tramadol tablets.

7. However, at this stage, this Court notes that the applicant has been in judicial custody since 02.09.2022 i.e. for more than three and a half years.

8. This Court notes that during the course of trial, material prosecution witnesses have already been examined. However, there are 23 witnesses cited by the prosecution, out of which only 7 are stated to have been examined so far. The name of the present applicant was disclosed by co-accused Rishabh Tandon, who has already been granted regular bail by this Court *vide* order dated 27.03.2026.

9. In these circumstances, for the limited purpose of adjudication of the present bail application, this Court is of the opinion that the twin conditions stipulated under Section 37 of the NDPS Act stand satisfied, considering the alleged role of the applicant, long period of incarceration of the applicant, i.e. more than three and a half years, and the fact that the trial is likely to take some time to conclude since only 7 out of 23 witnesses have been examined so far, with material witnesses having already been examined before the Trial Court.

10. Thus, without expressing any opinion on the merits of the case, and considering the overall facts and circumstances, and for the reasons recorded hereinabove, this Court is of the opinion that the applicant has been able to make out a case for grant of bail. Accordingly, this Court is inclined to grant regular bail to the applicant, on his furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Successor Court / Link Court / Duty Judge concerned, on the following terms and conditions:



- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
 - ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and concerned I.O./SHO.
 - iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
11. Accordingly, the present bail application stands disposed of.
12. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case
13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 01, 2026/ns
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