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

+ **BAIL APPLN. 4328/2025**

MAYUR DESALE

.....Petitioner

Through: Mr. Neeraj Shekhar with Mr. Ritwik Prasad, Mr. Ram Bacchan Chaudhary and Mr. Rajat Singh Chandel, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Akhand Pratap Singh, SPP with Ms. Smaridhi Dobhal, Mr. Krishna Mohan Chandel, Mr. Hritwik Maurya, Ms. Lisa Pegwal, Mr. Apoorv Paliya and Mr. Utkarsh Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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01.07.2026

CRL. M.A. 18395/2026

1. For the reasons stated in the application, the early hearing is allowed.
2. The application stands disposed of.

BAIL APPLN. 4328/2025

3. Heard learned counsel appearing for the parties.
4. This petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS] seeking for enlargement on bail of the present accused namely – Mayur Desale with respect to FIR No. 455/2024 registered under Sections 8/20/21/25/29 of the Narcotic Drugs and



Psychotropic Substances Act, 1985 [**NDPS Act**] at PS Special Cell.

5. After completion of the investigation, the offence under Sections 22/27A of NDPS Act and Sections 238B/209 of the BNSS have been added *vide* charge-sheet dated 10.06.2025.

6. It remains undisputed that the present applicant was arrested on 13.10.2024 and since then he is in jail. There is no criminal antecedent of the present accused. It is the contention of the applicant that he is only an employee of the company and he was working in the said company for last thirty days only as a Chemist, and therefore, he is actually a victim and has no direct role in the alleged offence.

7. Learned counsel has also drawn the attention of the Court to the arrest memo of the applicant as well as of Amit Kumar Masuriya. The parity is drawn with the case of Amit Kumar Masuriya and it is pointed out that both the arrest memos are the similar. It is, thus, pointed out that Amit Kumar Masuriya has already been enlarged on bail *vide* judgement dated 29.05.2026 in Bail Appln. 4028/2025. It is also submitted that in Amit Kumar Masuriya, the Court has considered the decision in the case of Brijesh Kothia in Bail Appln. 439/2026 dated 13.05.2026 who is also an accused in the same crime.

8. Additionally, the Court's attention is drawn to the orders dated 29.05.2026 with respect to Vijay Bhesania and Ashwin Ramani who have been enlarged on bail by the trial Court with respect to the same offence. In sum and substance, the argument of the petitioner's counsel is that the petitioner is entitled for grant of bail on the ground of parity.

9. The submissions are strongly opposed by the learned counsel appearing for the State and he contends that the role assigned to the present



applicant is serious. Various WhatsApp chats have been indicated to explain the complicity of the petitioner. Additionally, it is contended that this Court while passing orders in Brijesh Kothia and in Amit Kumar Masuriya has not considered the earlier pronouncement dated 12.03.2026 in the case of Aurangzeb Siddiqui [Bail Appln. 965/2026].

10. I have considered the submissions made by the learned counsel appearing for the parties and have perused the record.

11. It is alleged against the applicant that he is a part of an international drug cartel headed by Virendra Singh @ Basoya and Sandeep Dhunay @ Rana Taraendeep operating from U.K., Malaysia, Pakistan, Thailand and Dubai. About 1290 Kg. of cocaine/mephedrone and 39.706 Kg. Marijuana was recovered. About seventeen accused have been arrested and five accused persons were declared proclaimed offenders by the Trial Court. Out of five proclaimed offenders two of them have further been arrested.

12. The supply of personal and specific grounds of arrest have been held to be a *sine qua non* of a valid and legally permissible arrest. This position of law is taken note of in various decisions of the Supreme Court including in **Mihir Rajesh Shah v. State of Maharashtra and Anr.**¹ **Pankaj Bansal v. Union of India and Ors.**,² and **Vihaan Kumar v. State of Maharashtra.**³

13. If the orders passed by this Court in Brijesh Kothia as well as in Amit Kumar Masuriya are considered in the right perspective they would indicate that non-supply of grounds of arrest within the stipulated window of time would vitiate the arrest and remand and entitle the arrestees to be released on bail. The same however would not nullify the investigation or trial of the

¹(2026) 1 SCC 500.

²(2024) 7 SCC 576.



subject FIR.

14. The decision which has been relied upon by the respondent is with respect to different offence. However, the decisions in Brijesh Kothia as well as the Amit Kumar Masuriya are with respect to the accused who are involved in the present FIR. The facts and circumstances of the present case are closer to the case of Brijesh Kothia and Amit Kumar Masuriya. It remains undisputed that the arrest memo of the present applicant as well as of Amit Kumar Masuriya is almost similar. The grounds of arrest were not supplied within the stipulated time frame, and therefore, the present applicant is entitled for parity with co-accused persons namely - Brijesh Kothia and Amit Kumar Masuriya. It be also noted that bearing in mind the decisions passed by this Court in Brijesh Kothia and Amit Kumar Masuriya even the trial Court had enlarged two of the accused Ashwin Ramani and Vijay Bhesania on regular bail.

15. For all those reasons and bearing in mind the incarceration of the present applicant which is for more than one year and eight months, the present applicant is directed to be enlarged on bail on the following terms:

- (i) The petitioner shall furnish a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial Court.
- (ii) The petitioner shall furnish to the Investigating Officer/SHO, Special Cell, Delhi, a cellphone number on which he shall be contacted at any time, and shall ensure that the number is kept active and switched-on at all times.

³(2025) 5 SCC 799.



- (iii) 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.
 - (iv) The petitioner shall not contact, visit, or offer any inducement, threat or promise to any of the prosecution witnesses or any other person acquainted with the facts of the case.
 - (v) 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.
 - (vi) In case of any change in his residential address or contact details, the petitioner shall promptly inform the Investigating Officer in writing.
16. The present petition is disposed of in the above terms.
17. The date already fixed in the matter i.e., 10.07.2026 stands cancelled.

PURUSHAINDR KUMAR KAURAV, J

JULY 1, 2026

Tr/Rao