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

+ **BAIL APPLN. 4396/2025**

BAHADUR SINGH

..... Applicant

Through: Mr. J.P. Singh, Mr. Kanishk, Ms.
Priyanka Tomar, Advs.

Versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Arun Khatri, SSC for NCB
alongwith and Ms. Shelly Dixit,
Adv. NCB and with Mr. Sandeep
Kumar.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

02.02.2026

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1. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in proceedings arising from complaint being Crime No.VIII/81/DZU/2021 registered at PS.: Narcotics Control Bureau, Delhi, for the commission of offences punishable under *Sections 8/20/25/29* of the Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**).
2. Initially, an FIR No.471/2021 dated 30.09.2021 was registered at PS.: Narayana, Delhi under *Sections 20/25/29* of the **NDPS Act** by the Delhi Police. However, *vide* order dated 14.12.2021 of the ACP Hqr. (Co-



ord), Delhi Police, the investigation therein was transferred to the Narcotics Control Bureau, Delhi Zonal Unit, whereafter, the present complaint being Crime No.VIII/81/DZU/2021 was filed.

3. As per complaint, on 29.09.2021 at about 09:00 PM, secret information was received that two persons, namely Raju and Rafiq, were involved in supplying 'Ganja' from Odisha to Delhi, Uttar Pradesh, Haryana, and Rajasthan, and were to pass through Ring Road, Naraina between 11:30 PM and 12:30 AM from Dhaula Kuan side in a truck with a concealed secret chamber. The information was reduced into writing vide DD No.08 dated 29.09.2021 at 09:30 PM, whereafter a raiding team was constituted to conduct a raid from a spot near Naraina flyover. At about 12:00 AM, the said truck was intercepted and the two persons present inside the truck were apprehended. For safety and convenience, the truck along with the accused persons was shifted to the nearby DDA Land, CB Block, Cantonment Zone. Upon inquiry, the driver disclosed his name as Rafiq Khan, aged 22 years, resident of Jodhpur, Rajasthan, while the other accused disclosed his name as Raj Kishore @ Raju, aged 42 years, resident of Samaypur Badli, Delhi, with a permanent address in Etah, Uttar Pradesh. During interrogation, accused Raju disclosed the presence of a secret chamber under the wood behind the driver's cabin, wherefrom 126 packets of substance were recovered. The substance was identified as 'Ganja' on the basis of its smell and physical properties. The recovered 'Ganja' was packed into 42 plastic bags, each weighed



individually, with weights ranging approximately between 15.1 kg to 16.2 kg, totalling 661 kg. All bags were sealed with RD seal and seized as per law.

4. Notices under *Section 50* of the NDPS Act were served upon both accused persons, and their legal rights were explained to them in Hindi. Both accused expressed their desire to be searched in the presence of a Gazetted Officer. Accordingly, at about 05:58 AM, the ACP/Ops/West was called to the spot, who arrived at around 07:10 AM on 30.09.2021. In his presence, personal search of both accused was conducted, and nothing incriminating was recovered. Separate recovery memos were prepared and signed by the ACP/Ops/West. Thereafter, both the accused persons were arrested, and the aforesaid FIR came to be registered.

5. During investigation, it emerged that the truck involved was registered in the name of the present applicant, and the accused persons, in their respective voluntary statements dated 30.09.2021, disclosed that they were working for Shera @ Sharma @ Nepali, who, in conspiracy with the present applicant, had been engaged in supplying '*Ganja*' from Odisha to Delhi, Uttar Pradesh, and Rajasthan. It was further revealed that the said accused persons were making deliveries strictly on the instructions of Shera @ Sharma @ Nepali and the present applicant.

6. Further, notice under *Section 67* of the NDPS Act was served upon the present applicant, however, the applicant failed to join the investigation whereupon, the learned Trial Court, *vide* order dated



25.02.2022, declared him a Proclaimed Offender (**PO**). Thereafter, the present applicant was arrested on 08.10.2025.

7. Since the bail application preferred by the applicant was dismissed by the learned Trial Court *vide* order dated 01.11.2025, the applicant has now filed the present bail application.

8. Mr. J.P. Singh, learned counsel for the applicant submits that the applicant is a law-abiding citizen, who has served in the Indian Army for about 22 years. He has clean antecedents and has been falsely implicated herein as no contraband whatsoever was recovered at his instance. The applicant is not named in the FIR and his implication is solely based on disclosure statements of the accused persons though the truck involved stood registered in his name at the time of registration of the FIR. However, the applicant has no connection/ association with the alleged offenders or with the alleged recovery of contraband from the said truck, since he had already sold the vehicle to co-accused, Mr. Raj Kishore @ Raju on 09.09.2021, which is borne out from the documents duly executed in favour of the purchaser, including an Agreement to Sell dated 16.08.2021, and proof of bank account statement showing receipt of Rs.90,000/- as a result thereof. In view of the aforesaid submissions, the learned counsel seeks grant of regular bail.

9. Notice was issued and Status Report was called for as also the Nominal Roll was also requisitioned from the concerned Jail Authorities.

10. Mr. Arun Khatri, learned SSC appearing for the State opposing the



present application, submits that since the offence involved recovery of 661 Kg of ‘*Ganja*’, which constitutes a ‘*commercial quantity*’ under the NDPS Act, the embargo of *Section 37* of the NDPS Act finds applicability. The applicant has failed to satisfy the twin conditions prescribed therein. The role of the applicant is not peripheral, in fact, the co-accused persons, who were caught red handed with the contraband were acting at the behest and instructions of the applicant herein. In fact, the vehicle from which the contraband was recovered stood registered in the name of the applicant, clearly establishing his nexus and active involvement in the commission of the offence. The applicant’s plea of an alleged prior sale of the truck is not cogent, credible or legally admissible material to substantiate the said claim and the vehicle continues to be registered in the applicant’s name. Since the applicant was declared a Proclaimed Offender (***PO***) by the learned Trial Court *vide* order dated 25.02.2022, he cannot claim to be a person of clean conduct. The applicant has a propensity to evade the process of law and raises a serious apprehension of him absconding, if released on bail. As such, the learned SSC seeks denial of bail to the applicant.

11. This Court has heard Mr. J.P. Singh, learned counsel for the applicant and Mr. Arun Khatri, learned SSC for the State and perused the Status Report as also the other documents on record.

12. The case pertains to recovery of 661 Kg of ‘*Ganja*’, which constitutes a ‘*commercial quantity*’ under the provisions of the NDPS Act.



Hence, the rigours of *Section 37* of the NDPS Act will find applicability and the Court may grant bail upon satisfaction of the twin conditions of (i) there being reasonable grounds to believe that the accused is not guilty of the alleged offence, and (ii) the accused is not likely to commit any offence while on bail.

13. Though the applicant is not named in the FIR and, initially his involvement surfaced on the basis of the disclosure statement of the co-accused, however, further investigation revealed a far more significant and central role of the applicant in the trafficking network. The recovery has been made from the truck registered in the applicant's name and the documents showing sale thereof are not credible.

14. In view of the aforesaid circumstances, coupled with the nature and gravity of the accusation, the severity of the punishment in the event of conviction, the total period undergone, the past conduct of the applicant as he was declared a Proclaimed Offender by the learned Trial Court once, as also in view of the law laid down by the Hon'ble Supreme Court in *Prasanta Kumar Sarkar vs. Ashis Chatterjee: (2010) 14 SCC 496; State of Uttar Pradesh vs. Amaramani Tripathi: (2005) 8 SCC 21 and Deepak Yadav vs. State of Uttar Pradesh: (2022) 8 SCC 559*, this Court is of the considered view that releasing the applicant on bail may result in frustration of administration of justice, as there is a serious apprehension of the applicant absconding or fleeing from justice.

15. Taking due note of the current position involved and the overall



facts and circumstances as well as the legal position enumerated hereinabove, grant of bail to the applicant, at this stage, will not be appropriate and is uncalled for.

16. Accordingly, the present application is dismissed.

17. Needless to say, the observation made, if any, on the merits of the matter are purely for the purposes of adjudicating the present application and shall not be construed as expressions on the merits of the matter.

SAURABH BANERJEE, J

FEBRUARY 2, 2026/bh