



2026:DHC:1612



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

Date of decision: 17th FEBRUARY, 2026

IN THE MATTER OF:

+ **BAIL APPLN. 4425/2025 & CRL.M.A. 34240/2025, CRL.M.A. 34241/2025**

VIPHIL JAIN

.....Petitioner

Through: Mr. Dharendra Singh and Mr. Rajesh
Tanwar, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State
with Mr. Manvendra Yadav, Mr. Atiq
Ur Rehman, Advs.

SI Ashish Sharma, ISC, Crime
Branch, Chanakyapuri, ND

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The present second Bail Application under Section 439 of the Cr.P.C. read with Section 483 of BNSS, 2023 has been filed on behalf of the Petitioner seeking bail in SC No.366/2024 arising out of FIR No. 59/2024 dated 12.03.2024 registered at Police Station Crime Branch (Chanakyapuri) for the offences committed under Section 274, 275, 276, 308, 406, 420, 120-B and 34 of the IPC.
2. It is pertinent to mention that the first Bail Application being BAIL APPLN. 3093/2024 was rejected by this Court *vide* Order dated 27.09.2024.
3. Shorn of unnecessary details, the facts of the case leading to the filing of the instant Bail Application are as follows:-



2026:DHC:1612



- a. On 09.03.2024, a secret information regarding a person, namely, Vipphil Jain @ Bablu, i.e., the Petitioner herein, procuring empty vials and other raw material for preparing spurious anti-cancer injections such as Keytruda, Opdyta, Opdivo etc., from his associate namely Parvez Malik, was received at Crime Branch.
- b. On the basis of the said information, separate teams were formed to unearth the whole nexus and nab the culprits. Since the information was about a syndicate indulged in manufacturing of spurious medicines, the Drugs Department, Govt. of NCT of Delhi was informed and they were asked to join the team. It is stated that on 11.03.2024, a joint team of Crime Branch and Drugs Department conducted a raid at Flat No 1101, Block -2, Eleventh Floor, CSP Units DLF Capital Greens, 15 Shivaji Marg, Moti Nagar, New Delhi 110015, where two persons namely Vipphil Jain S/o Late Sh. Pawan Kumar Jain Rio H. No. T 21, Gali No 8, Gautampuri, New Seelampur, Bhajanpura, Delhi 110053, i.e., the Petitioner herein and Suraj Shat S/o Kartik Shat, Rio G 315/5, Gali No 15, West Karawal Nagar, North East Delhi-110094 were found filling the empty vials labelled as Nivolumab 10 mg/mL (OPDYTA) and PEMBROLIZUMAB INJECTION (KEYTRUDA) with the liquid of Fluconazole injection USP2mg/ml (Forcan) and Dextrose with a needle and syringe, followed by sealing the vials using a sealing and capping machine kept in the said premises.
- c. The team of Drug Inspectors took three sets of samples drawn from the vials recovered from the said premises for lab testing. Thereafter, both the accused persons were arrested and the present FIR was



2026:DHC:1612



registered.

- d. Investigation was carried out and simultaneous raids were conducted at various other places, which led to the recovery of huge quantity of spurious anti-cancer injections, empty vials, packaging boxes, leaflets, vial rubber caps, vials aluminium caps etc. The investigation further led to number of persons getting apprehended and twelve accused persons were arrested from different places.
- e. During the investigation, it was revealed that the Petitioner herein is the kingpin of the racket and had an experience of fifteen years in pharmacy profession. It is stated that in early 2023, Petitioner herein came with the idea of supplying anti-cancer injections as these were very expensive not easily available in the market. The Petitioner then came up with the idea of procuring these injections from hospitals through his sources and selling them in the open market. It is stated that the Petitioner also planned to procure the empty anti-cancer injections and refill them with Fluconazole injections. The Petitioner procured the empty anti-cancer injections from co-accused persons Parvez, Neeraj and Tushar and refilled them with antifungal injections at his rented facility at DLF Capital Greens, Moti Nagar, New Delhi.
- f. Investigation further revealed that a major chunk of supply of spurious anti-cancer injections went through the accused Neeraj Chauhan, Aditya Krishna. etc. During the investigation, an amount of Rs 17,35,000/- earned by the Petitioner herein through crime proceeds deposited in ICICI Bank was frozen and an investment amount of Rs. 46,58,562/- in two flats at DLF-I, Mid Town, Moti Nagar, Delhi was also frozen. One Toyota Fortuner car worth Rs. 54 lakhs, purchased



2026:DHC:1612



by the Petitioner through crime proceeds was also seized and taken into police possession. Further, Bank account transactions of the Petitioner herein with co-accused persons namely, Tushar Chauhan, Suraj Shat and witness/purchaser Delhi Medicine (Akshay, Chandigarh) as well as the WhatsApp Chats of the Petitioner herein with his other associates namely, Aditya Krishna and Priyanka Corporation, Mumbai (Seller of Rubber Cap and Aluminium Cap) were also taken into custody during the investigation. It is stated that as per the Call Data Records of the accused, he was in constant touch with other co-accused, namely, Aditya Krishna, Neeraj Chauhan, Parvez Malik, Suraj Shat & Tushar Chauhan and their call timings and locations corroborate their presence.

- g. Upon completion of the investigation, a charge-sheet was filed.
 - h. The Petitioner approached the learned Trial Court thrice for grant of bail, however, his applications were rejected *vide* Orders dated 14.08.2024 and 09.05.2025, while the second application was withdrawn *vide* Order dated 15.04.2025.
 - i. As stated earlier, this Court also rejected the first bail application filed by the Petitioner *vide* Order dated 27.09.2024.
 - j. The Petitioner has, therefore, approached this Court by filing the present Bail Application on the ground of parity, stating that this Court, *vide* Order dated 29.07.2024, granted bail to the co-accused - Aditya Krishna and Tushar Chauhan.
4. A Status Report has been filed by the State. The relevant paragraphs of the same reads as under:-

“VIII. Interception voice call recordings of



2026:DHC:1612



applicant/accused with Co-accused persons Suraj Shat, Parvej, Neeraj Chauhan, Aditya Krishna & Tushar Chauhan with regard to manufacturing, sale & purchase of Spurious Anti-Cancer injections are very explicit and incriminating in establishing that the applicant/accused had committed the crime with pre-planning, having complete knowledge and intention.

XVII. The present case is being dealt with much sensitivity as the accused along with the co-accused persons were playing with the precious lives of the cancer patients and granting him bail at this early stage of the investigation may draw adverse effect on the public at large.”

5. Based on the reasons stated in the Status Report, this Court rejected the first Bail Application of the Petitioner *vide* Order dated 27.09.2024, for the following reasons:-

- i. That the Petitioner is the kingpin of this entire racket.
- ii. If the Petitioner is released on bail at that stage, it is likely that he will flee and thus, evade the process of law.
- iii. The Petitioner has got a goodwill by manufacturing, sale and purchase of spurious anti-cancer injections and the danger of him absconding, cannot be ruled out.
- iv. Looking at the qualification of the Petitioner and his contacts, the chances of him tampering with the witnesses and evidences and repeating the offences, cannot be ruled out.

6. The Petitioner thereafter, approached the learned Trial Court again and filed another bail application, which was withdrawn *vide* Order dated 15.04.2025. The Petitioner filed another bail application, wherein after considering the facts and circumstances of the case, gravity of offence and



2026:DHC:1612



nature of serious allegations against the Petitioner, the learned Trial Court in its Order dated 09.05.2025 came to a conclusion that no ground for regular bail is made out and that the Petitioner cannot be released on bail.

7. The Petitioner, therefore, approached this Court by filing the instant Bail Application.

8. Learned Counsel for the Plaintiff submitted that several co-accused have also been granted bail by this Court. To fortify this contention, the learned Counsel for the Petitioner has drawn attention of this Court to certain orders, wherein the co-accused were granted bail on this basis, states that once all these co-accused have been granted bail, the Petitioner must also be granted bail on the ground of parity. Details of the said Orders are given as under:

- i. Order dated 29.07.2024 passed by this Court in BAIL APPLN. NO. 2369/2024 in Tushar Chauhan v. The State NCT of Delhi,
- ii. Order dated 29.07.2024 in BAIL APPLN. NO. 2236/2024 in Aditya Krishna v. State NCT of Delhi,
- iii. Order dated 23.08.2024 in BAIL APPLN. NO. 2843/2024 in Neeraj Chauhan v. The State NCT of Delhi,
- iv. Order dated 23.08.2024 in BAIL APPLN. NO. 2716/2024 in Pervez v. The State NCT of Delhi,
- v. Order dated 23.08.2024 in BAIL APPLN. NO. 2856/2024 in Mr. Majid Khan (In J.C) v. The State (Govt. Of NCT of Delhi),
- vi. Order dated 21.11.2024 in BAIL APPLN. NO. 3119/2024 in Sajid v. The State NCT of Delhi,
- vii. Order dated 21.11.2024 in BAIL APPLN. NO. 3081/2024 in Rohit Singh Bisht v. The State NCT of Delhi,



2026:DHC:1612



viii. Order dated 06.03.2025 in BAIL APPLN. NO. 3059/2024 in Suraj Shat v. The State NCT of Delhi.

9. Learned Counsel for the Petitioner states that the Petitioner has been in custody since March, 2024 and nearly two years have been passed. He states that a charge-sheet has already been filed, however even after two years, the orders on charge have not been passed by the Trial Court.

10. Learned Counsel for the Petitioner strenuously contends that in view of the fact that other co-accused had been granted bail, the Petitioner's fundamental right of speedy trial is being violated. He relies on the principles enunciated in Hussainara Khatoon v. Home Secretary, State of Bihar, Patna, AIR 1979 SC 1369, wherein the Right to Speedy Trial is recognised as a Fundamental Right, and was further discussed by the Apex Court in catena of judgments being Sheela Barse v. Union of India, (1986) 3 SCC 632, P. Ramachandra Rao v. State of Karnataka, (2002) 4 SCC 578 and Abdul Rehman Antulay v. R.S. Nayak, (1992) 1 SCC 225. Therefore, it is stated that the Petitioner must be granted bail since the learned Trial Court has not even passed orders on charge yet.

11. Learned APP for State vehemently opposes the Bail Application stating that the Petitioner was the kingpin of the racket and there is no change in the circumstances of the Petitioner *apropos* Order dated 27.09.2024 and without there being any change in the circumstances, the Petitioner cannot be granted bail.

12. Heard learned Counsels for the Parties and perused the material on record.

13. It is pertinent to mention that on the day when the Order dated 27.09.2024 was passed by this Court, the charge-sheet was already filed.



2026:DHC:1612



Despite that, this Court denied bail primarily looking at the fact that the Petitioner is the kingpin of the racket, the nature of the offences, chances of the Petitioner absconding or tampering the witnesses and evidences and chances of repeating the offences, cannot be ruled out at this stage.

14. In the opinion of this Court, it is rightly pointed out by the learned APP that there is no circumstances apart from the time factor since the passing of the Order dated 27.09.2024.

15. The parameters that have to be considered for grant of bail have been succinctly laid down by the Apex Court and the Courts have to see the following aspects before allowing or rejecting a bail application:

- i. nature and gravity of the charge;
- ii. severity of the punishment in case of conviction;
- iii. reasonable apprehension of witness being influenced;
- iv. *prima facie* or reasonable ground to believe that the accused had committed the offence;
- v. character, behaviour, means, position and standing of the accused;
- vi. danger of justice being thwarted by grant of bail.

(Refer: Ram Govind Upadhyay vs. Sudarshan Singh and Others, (2002) 3 SCC 598 and Prasanta Kumar Sarkar vs. Ashis Chatterjee and Another (2010) 14 SCC 496)

16. According to the Petitioner, there are two relevant factors which are to be considered by this Court at this stage. *One*, that most of the co-accused persons have been granted bail and *two*, that nothing has moved forward from the last date on which bail was rejected. Undoubtedly, the said factors are relevant but at the same time the role of the Petitioner is different inasmuch as he is the head of the cartel and the kingpin. The role of the



2026:DHC:1612



Petitioner is, therefore, greater in comparison to the co-accused. Further, there is no change in circumstances, the threat of tampering with the witnesses and evidences, and the chances of the Petitioner absconding which still continues. It is also pertinent to note that there are two private witnesses, one being the 'land-lord' of the house in Moti Nagar and another being the 'broker', which shows that the operation was most likely conducted from the house in question.

17. In view of the fact that there is no change in the circumstances, this Court is inclined to reject the present bail application at this juncture. As such, this Court deems it appropriate to direct the Trial Court to pass orders on framing of charges and for examining the two private witnesses within a period of three months from today. It is expected that the co-accused persons who have been granted bail, will not cause delay in passing of the orders on framing of charges and no unnecessary adjournment would be granted.

18. This Court, however, cannot be oblivious to the fact that there is no progress in the trial at all.

19. In case the charges are not framed and the witnesses are not examined within the period of three months, it will be open for the Petitioner-accused to apply for bail once again, which will be considered on the ground that right of the speedy trial is being violated.

20. The present bail application is, accordingly, dismissed.

SUBRAMONIUM PRASAD, J

FEBRUARY 17, 2026

Prateek/SM