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

+ **BAIL APPLN. 4581/2025**

ABHISHEK SEHRAWAT @ SHEKHU

.....Applicant

Through: Mr. Vikram Hegde and Mr.
Abhishek W., Advs.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for
State with Mr. Arjit Sharma and
Ms. Sakshi Jha, Advs.
ASI Sachin Singh, ARSC Crime
Branch

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

22.04.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) read with *Section 37* of the Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**) the applicant seeks grant of regular bail in proceedings arising from FIR No.262/2024 dated 17.12.2024, registered at PS.: Crime Branch, Delhi for commission of offence punishable under *Sections 20/29* of the NDPS Act.

2. As per FIR, upon receipt of secret information at Crime Branch, Delhi on 17.12.2024 about one Budhram supplying 'Charas' near Nangli Poona village on the Delhi-Panipat Highway, after reducing the same to writing, a raid was conducted, when Budhram arrived at the scene. Upon identification, he was apprehended by the Police, however, he declined to be taken to the nearest magistrate/ gazetted officer despite being served

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Notice under *Section 50* NDPS Act. Upon search, he was found having 2.818 Kgs of ‘Charas’ inside his bags. Accordingly, an FIR was registered and Budhram was taken into custody.

3. During investigation, the said accused Budhram in his disclosure statement stated that the recovered ‘Charas’ was intended to be delivered to the applicant herein at Mahipalpur, Delhi. Acting on this information, multiple raids to apprehend the applicant were conducted, however, despite sustained efforts, his whereabouts could not be ascertained. Consequently, the learned Trial Court issued Non-Bailable Warrants (**NBWs**) against the applicant. Despite thereto also, he remained untraceable. It was only on 28.03.2025 that the applicant voluntarily surrendered before the learned Trial Court.

4. At the outset, Mr. Vikram Hegde, learned counsel for the applicant has handed over a copy of written synopsis, which is taken on record. He, submits that the applicant has been falsely implicated in the present FIR and no recovery of any contraband has been effected from him. In fact, the entire case of the prosecution rests upon the CDR connectivity and financial transactions (*18 days prior to the incident*) between the applicant herein and the co-accused. Moreover, the disclosure statement of the co-accused Budhram, in light of the law settled in ***Tofan Singh v. Tamil Nadu*, (2021) 4 SCC 1** and in ***Sunil Kumar vs. State of NCT of Delhi* 2026 SCC OnLine Del 553; *Bharat Chaudhary v. Union of India*, 2021 SCC OnLine SC 1235; *Yugraj Singh v. State (UT of J&K)*, 2025 SCC OnLine J&K 251** by itself, is insufficient to deny regular bail to the applicant.



5. He further submits that the applicant, a resident of IJ-28, Flat No.4, Chatarpur Extension, New Delhi, could not join the investigation as no Notice was ever served upon him. Upon becoming aware of the present case, he voluntarily surrendered before the learned Trial Court. Lastly, he submits that the applicant has been in judicial custody since 28.03.2025 i.e. for more *one year* as on date and since the chargesheet has already been filed, no further custodial interrogation is required, hence, the applicant deserves to be released on bail.

6. *Per contra*, Mr. Sanjeev Bhandari, learned ASC for the State relying upon the Status Report, opposes the present application and submits that since the offence involves recovery of 2.818 Kgs of ‘Charas’, which constitutes a ‘*commercial quantity*’ under the NDPS Act, the embargo of *Section 37* of the NDPS Act finds applicability and since the applicant has failed to satisfy the twin test prescribed therein, he may not be released on bail. He submits that despite issuance of notices and Non-Bailable Warrants, the applicant remained absconding and was only arrested on 28.03.2025, clearly showcasing wilful evasion of law.

7. The learned ASC further submits that the applicant appears to have consciously attempted to conceal his identity in the commission of the alleged offence, as the mobile number used by him is a proxy SIM registered in the name of a third person. Lastly, he submits that though the name of applicant surfaced in the disclosure statements, however, the record reflects multiple monetary transactions and CDR connectivity between the applicant and co-accused/ Budhram prior to the date of recovery, which corroborates their nexus.



8. This Court has heard the learned counsel for the applicant as also the learned ASC for the State and perused the documents on record as also the judgments cited at the Bar.

9. *Admittedly*, the applicant is neither named in the present FIR nor has any recovery been affected from him/ at his instance. The sole basis of implicating him is/ are the disclosure statements of the co-accused Budhram coupled with the existence of CDR connectivity and monetary transactions having taken place *inter se* the applicant and the co-accused prior to the date of the incident. Thus, taking note of the overall facts and circumstances of the matter, as per **Tofan Singh (supra)** and the other judgments hereinabove, disclosure statement recorded under *Section 67* of the NDPS Act, only accords support to the surrounding evidences and cannot be treated as the foundational basis for establishing guilt. No recovery from the applicant thereafter coupled with some CDR records *18 days* prior to the date of the incident, and previous monetary transactions involving the applicant, in the facts of the present case being matters of trial, are not a reason for not releasing the applicant on regular bail.

10. Accordingly, the applicant be released on regular bail in FIR No.262/2024 dated 17.12.2024, registered at PS.: Crime Branch, Delhi for the commission of offence punishable under *Sections 20/29* of the NDPS Act subject to him furnishing a personal bond in the sum of Rs.50,000/- along with one surety of the like amount by a family member/ friend having no criminal case pending against him subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- a) Applicant shall surrender his Passport, if any, to the IO within three days of his release.



- b) Applicant shall join and participate in the investigation as and when called by the IO.
 - c) Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.
 - d) Applicant shall not leave the NCT of Delhi without prior permission of the concerned Court and shall ordinarily reside at the address as per TCR.
 - e) Applicant shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.
11. The present application is thus allowed and disposed of in the aforesaid terms.
12. A copy of this order be sent to the Jail Superintendent concerned for necessary information and compliance thereof.
13. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

APRIL 22, 2026/So/DA