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

+ BAIL APPLN. 4897/2025

NIRDESH KUMAR

.....Petitioner

Through: Mr. Vinay Kumar Parihar,
Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.03.2026

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the applicant seeks grant of anticipatory bail in connection with FIR No. 97/2025 dated 15.02.2025 registered at Police Station Narela, District Outer North, Delhi, under Sections 21, 25, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"].

2. I have heard Mr. Vinay Kumar Parihar, learned counsel for the applicant, and Mr. Aashneet Singh, learned Additional Public Prosecutor for the State.

3. The allegation in the proceedings concerns two recoveries of heroin. A recovery of 304g of heroin was made from co-accused Vijay@Karan on 15.02.2025 and a further 320g were recovered on 15.04.2025 from a vehicle bearing HR No. 55-AH-7981, in which co-accused Jatin, Ravinder and Arun were travelling.



4. As far as the present applicant is concerned, the allegation against him is founded on the disclosure statement of co-accused Jatin dated 15.04.2025. In the said statement, Jatin alleged that the heroin recovered from the vehicle in which he was travelling had been sourced from the applicant. Mr. Parihar submits that, even in the said disclosure statement, the co-accused stated that he had met a person named Niradesh, a resident of Rampur, Uttar Pradesh, who was allegedly a wholesale supplier of heroin, and that he had procured the contraband from him for further sale to his customers. It is further submitted that the present applicant is, in fact, a resident of Barser, District Bareilly, Uttar Pradesh, and not of Rampur, thereby casting serious doubt on the veracity of the said disclosure.

5. *Per contra*, Mr. Singh submits that subsequent to the recording of the disclosure statement, the residence of the present applicant was duly identified at the instance of co-accused Jatin, who pointed out the same. A Pointing Out Memo to this effect was prepared, and a copy thereof is handed over in Court and taken on record.

6. The grant of anticipatory bail is not an ordinary remedy, but one that must be exercised with due circumspection, as held by the Supreme Court in a catena of decisions, including the recent judgment in *Tusharbai Rajnikantbai Shah v. Kamal Dayani*¹.

7. In cases involving commercial quantities of narcotic drugs and psychotropic substances, the Court is bound by the rigours of Section 37 of the NDPS Act. Applications for anticipatory bail in such offences are therefore required to be considered with even greater circumspection. The



case of the applicant herein is that he was not involved in the alleged offence and has been falsely implicated by the co-accused. However, in serious drug offences, the chain of supply is required to be thoroughly investigated, for which custodial interrogation cannot be ruled out. The Supreme Court has clearly held that custodial interrogation elicits the truth more efficiently than interrogation while the accused is clothed with the protection of the Court. Reference in this connection may be made to the judgment of the Supreme Court in *State v. Anil Sharma*², which observed as follows:

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”³

The same view has been expressed in *P. Krishna Mohan Reddy v. State of A.P.*⁴

8. In cases under the NDPS Act, particularly those involving commercial quantities, the Supreme Court has specifically cautioned

¹ (2025) 1 SCC 753, paragraphs 68 and 69.

² (1997) 7 SCC 187.

³ Emphasis supplied.

⁴ 2025 SCC OnLine SC 1157, paragraph 19.



against the grant of anticipatory bail, having regard to the stringent restrictions contained in Section 37 of the Act. Reference in this regard may be made to the judgment in *State by the Inspector of Police v. B. Ramu*⁵, wherein it has been held that in cases involving recovery of commercial quantity of narcotic substances, the Courts should be slow in granting even regular bail, much less anticipatory bail, and are required to record satisfaction in terms of Section 37 of the NDPS Act.

9. Having regard to the above factors, I am not persuaded that this is a fit case for grant of anticipatory bail to the applicant.

10. The bail application is, therefore, dismissed.

11. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

MARCH 18, 2026

SS/JM/

⁵ 2024 SCC OnLine SC 4073.