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

+ **BAIL APPLN. 5041/2025**

SANJAY MANDAL (IN JC)

.....Petitioner

Through: Mr. Ravi Ranjan Mishra and Ms.
Nidhi Mishra, Advocates

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for
State with SI Rishi Kumar, PS Crime
Branch

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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10.03.2026

1. Applicant seeks regular bail in case FIR No. 120/2024, registered at Police Station Crime Branch for offences under Section 21/61/85 of *Narcotic Drugs and Psychotropic Substances Act, 1985* (NDPS Act).
2. Learned counsel for applicant submits there is no conscious recovery and the applicant has been implicated merely on the basis of bald statement made by co-accused which has no evidentiary value.
3. As per specific case of prosecution, on the basis of one secret information, one Saurabh @ Gaurav was apprehended on 14.06.2024 and from his search 160 grams of smack (heroin) was recovered. When he was interrogated, he revealed that such contraband was to be supplied to Sanjay Mandal (applicant herein) and that sources of aforesaid contraband was Sonu and Shanti @ Aarti.
4. As far as Shanti @ Aarti is concerned, she was released on anticipatory

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bail. However, police was able to reach alleged source Sonu and when Sonu was arrested, from his conscious possession 150 grams of heroin was recovered. He was apprehended and arrested on 23.06.2024.

5. It will be important to mention that Sonu, during interrogation, revealed that source of contraband was Rafat Hussain and accused Rafat Hussain was also arrested and from his conscious possession, 275 grams of heroin was recovered on 29.07.2024.

6. Fact remains that as far as applicant Sanjay Mandal is concerned, there is no recovery from his possession.

7. Moreover, no accused has labelled him as source of contraband and even as per the disclosure statement made by accused Sourabh @ Gaurav, he was to supply the contraband i.e. 160 grams of heroin to applicant. Undoubtedly, when police tried to apprehend Sanjay Mandal, he absconded and, therefore, he was even declared proclaimed offender.

8. Fact remains that on 18.12.2024, he surrendered and his police custody remand was also taken and despite such police custody remand, there was no recovery of any contraband from him.

9. During course of arguments, learned counsel for applicant has shown order dated 02.06.2025 whereby charges have been ascertained and the five accused persons, namely, Saurabh @ Gaurav, Rafat Hussain, Sonu, Shanti and Sanjay Mandal have been charged for offence under Section 29 of NDPS Act. Since the conscious recovery is from Saurabh @ Gaurav, Sonu and Rafat Hussain, there are specific charges against them also but there is no charge under Section 21 of NDPS Act against applicant Sanjay Mandal. Since he had earlier absconded, he has also been charged under Section 174A (1) IPC.



10. Learned counsel for applicant draws attention of this Court to order dated 28.08.2025 passed by Co-ordinate Bench of this Court in Bail Application No. 2725/2025 whereby accused Sonu has been enlarged on bail. Apparently, allegations against Sonu are graver in nature as he was labeled as source and there is conscious recovery from his possession. This Court, while enlarging him on bail, also took into consideration the analysis of CDR and came to the opinion that allegation regarding his being part of conspiracy seemed to be in the realm of suspicion only and it was in the aforesaid backdrop that he was enlarged on bail.

11. Admittedly, there are number of cases in which the present applicant is involved as would be evident from the status report furnished by the prosecution but fact remains that in the case in hand, there is no conscious recovery from the possession of applicant Sanjay Mandal and when asked, learned Addl. P.P. for State, on instructions from IO, submitted that there is no other connecting material in the shape of CDR etc. and he is alleged as proposed receiver of the contraband, based on disclosure statement of his co-accused.

12. There is no likelihood of trial being completed in near future as only one witness, out of 18 cited witnesses, has been examined so far.

13. Keeping in mind the overall facts and circumstances of the case, applicant Sanjay Mandal is directed to be released on bail on his furnishing personal bond in a sum of Rs. 25,000/- with one solvent surety of the like amount subject to the satisfaction of the learned Trial Court and also subject to the other conditions as learned Trial Court it may deem fit under the given facts and circumstances.

14. Needless to emphasize, observations made hereinabove are only for the



purposes of disposal of the present bail application and shall not be taken as final expression about the merits of the case.

15. Application stands disposed of accordingly.

16. A copy of this Order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

MARCH 10, 2026/dr/js



This is a digitally signed order.

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