

IA 4/25 SC 22/25
NCB VS PARAS @ BHARAT

28.11.2025

ATUL AHLAWAT
Special Judge NDPS Act
Room No. 35, P. Building
Patiala House Courts,
New Delhi

Present: Sh. Harssh and Ms. Shelly, Ld Proxy counsels on behalf of Sh Arun Khatri, Ld SPP for NCB.
Sh. Aditya Aggarwal and Sh. Naveen Panwar, Ld.
Counsels for applicant/accused.

Vide my separate order of even date, the present application is allowed and disposed of accordingly.

Copy of the order be given dasti as well as be sent to jail superintendent for supplying the same to accused in jail.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
28.11.2025



IN THE COURT OF ATUL AHLAWAT
ADDL. SESSIONS JUDGE, NDPS ACT (SPECIAL JUDGE)
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI

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ORDER

1. Vide this order I shall dispose of the bail application u/s 483 BNSS, 2023 moved on behalf of accused/applicant for grant of regular bail. Reply was filed by the IO.

2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.

3. It is submitted by Ld. Counsel for applicant/accused that accused/applicant was on interim bail granted on account of his ill health and he was directed to surrender before the concerned Jail Superintendent on 29.10.2025 by 05:00 PM, vide order dated 27.10.2025 passed by the Hon'ble High Court of Delhi in Bail Application No. 3830/2025. The applicant/accused was extended the benefit of interim bail from time to time, firstly on account of the ill health of his wife and later on due to his own ill health. The interim bail was extended from time to time by the orders passed by this Court and passed by the Hon'ble High Court of Delhi and he had never misused the liberty granted to him.

4. It is submitted by the Ld. Counsel for applicant/accused that as per the case of NCB, upon the secret information received, ten carton boxes lying at DTDC Courier, Samalkha, New Delhi were intercepted, after they were suspected to contain the contraband. The team of NCB reached the courier office on 23.07.2024 and the raid was conducted in presence of two independent witness and it was found that the said ten boxes were booked under AWB No. D02350865 and after they were opened, 7,97,400 alprazolam tablets with total weight of 103.46 Kg were recovered. The said parcel was having the name of one Ajay Pandey as the receiver and the AWB Slips mentioned the name of one 'Berkeley Agencies, Dehradun' as the sender.



It is submitted by the Ld. Counsel for applicant/accused that there is no recovery of contraband effected from the possession of the applicant/accused and no recovery was effected in pursuance of his disclosure. The name of the applicant/accused was not mentioned on the parcel as either the receiver or the sender. The applicant/accused has no connection with the sender namely Berkeley Agencies. His alleged involvement came in the disclosure statement of one Riya Rai, who was working with the said Berkeley Agencies and she has falsely implicated the present applicant/accused as the person responsible for sending the parcel in question. The owner of the said Berkeley Agencies was found out to be one Kamal Taneja and for reasons best known to NCB, no investigation was conducted regarding his involvement and the said person was never examined by the NCB Officials. The so called independent witness Riya Rai had falsely implicated the applicant/accused to save herself and her

employer.

6. It is further submitted by the Ld. Counsel for applicant/accused that the prosecution has not brought on record a single document to show any financial transactions between the applicant/accused and the co-accused persons. Except for the disclosure statements of the co-accused persons, there is nothing on record to establish his complicity in the present case. The applicant/accused is neither linked with the firm Viva Sales, which had allegedly procured the contraband from the manufacturer and nor is he linked with the alleged shipper Berkeley Agencies. The mobile number which is linked with the bank account of Viva Sales is in the name of co-accused Sahil Kumar and not in the name of the present applicant/accused. The mobile number which is linked with the bank account of Berkeley Agencies is similarly linked with its owner Kamal Taneja and not with the mobile number of the applicant/accused.



7. It is further submitted by the Ld. Counsel for applicant/accused that there is no material placed on record by the NCB to establish the link between the statement of the independent witness Riya Rai and the apprehension of the applicant/accused from Rohtak, Haryana. There is nothing on record as to how only on the basis of the mobile number disclosed by the said person, the NCB team landed from Dehradun to Rohtak and reached one 'Balaji Communications' shop run by one Jitender Singh. There is nothing on record as to how at the behest of NCB Officials, the said Jitender Singh called the applicant/accused to his shop, where the applicant/accused

was ultimately apprehended from.

8. It is further submitted by the Ld. Counsel for applicant/accused that the NCB has shown the alleged recovery of six mobile phones from the possession of the applicant/accused and two of the said phones were having no SIM cards; one phone was having a SIM Card, which was in the name of his friend Tarun; one phone was having the SIM Card registered in the name of his father Amrit Kapoor; and the last phone was having the SIM Card registered in the name of the applicant/accused. The applicant/accused was having the five phones with him, however the phone having make Oppo F19 Pro with the SIM Card of 8826130278 was not with the applicant/accused and the same was planted upon him by the NCB Officials. The SIM Card of the said phone was in the name of co-accused Sahil Kumar. The seizure memo of the said phones dated 10.08.2024, does not inspire any confidence, since the same is not bearing the signature of any witness and there is no mention of the place from where the said seizure was allegedly effected from. There is no photography or videography of the said seizure and a shadow of doubt is created upon the entire seizure proceedings.

9. It is further submitted by the Ld. Counsel for applicant/accused that as per the case of NCB from the aforementioned mobile phone make Oppo F19 Pro with the SIM Card of 8826130278, certain photographs of the the courier receipts were recovered and it led to further seizure of two parcels which were still in transit and the said parcels were found containing the

contraband. Once the seizure of the mobile phone is rendered doubtful, therefore even the subsequent alleged recoveries based upon the incriminating material recovered from the said phone cannot be attributed to the applicant/accused.

10. It is further submitted by the Ld. Counsel for applicant/accused that it is not disputed that the applicant/accused was arrested from Rohtak, Haryana and yet the NCB Officials, did not obtain his transit remand from the concerned local Court and he was directly produced before this Court in contravention of the law laid down by the Hon'ble Supreme Court of India in '*Priya Indoria v. State of Karnataka*', (2024) 4 SCC 749.

11. It is further submitted by the Ld. Counsel for applicant/accused that the role of the applicant/accused is different from the role of the co-accused persons. The applicant/accused has clean past antecedents and he has never mis-used the liberty granted to him on earlier occasions. The chargesheet is already filed and the matter is at the stage of addressing arguments on point of charge, therefore the continued incarceration of the applicant/accused is neither warranted nor justified.

12. It is further submitted by the Ld. Counsel for applicant/accused that he is ready to abide with any condition that this Court may impose upon him, if the benefit of regular bail is granted and he is ready to furnish sound sureties.

13. Per contra, it is submitted by the Ld. SPP for NCB duly assisted by the IO that the present applicant/accused is one of the master minds of the conspiracy of trafficking the NRx Tablets. The applicant/accused got the agency 'M/s Viva Sales' registered in the name of his employee Sahil Kumar and he also got the said co-accused to obtain a SIM Card, which was linked with the bank account of the said firm. The applicant/accused would generate fake purchase orders on the letter head of said M/s Viva Sales and he would send the same to co-accused Manish Himmatbhai for booking the said NRx Tablets. After receiving the parcels, he would get it re-packed and send the same to the addresses given to him by co-accused Nayant Rasikbhai by booking it through his other agency namely 'Berkeley Agencies'. The applicant/accused would use the bank account in the name of his employee Sahil Kumar to transfer the money in the account of the manufacturer to veil the transactions as genuine. The co-accused Manish Himmatbhai and Nayant Rasikbhai were running a similar syndicate in Mumbai, wherein the contraband was trafficked and another case bearing Crime Number VIII/6/MZU/2024 is registered against them at Mumbai Zonal Unit of the NCB.

14. It is further submitted by the Ld. SPP for NCB that the mobile phone which was recovered from the possession of the applicant/accused was found containing the incriminating material and it led to further recovery of huge quantity of the contraband (14400 and 12960 respectively), after the courier receipts of the two parcels booked from Dehradun on 29.07.2024 and 30.07.2024 from Berkeley Agencies were recovered, since

the said parcels were still in-transit.

15. It is further submitted by the Ld. SPP for NCB that the applicant/accused has been named by several independent witnesses such as Rhea, Manoj Kumar and Sachinder, who were also examined U/s 183 of BNSS, 2023 before the Ld. JMFC and their testimonies are yet to be recorded. The applicant/accused may influence the witnesses, if released on bail. Furthermore, the investigation qua other accused persons involved in the offence in question is still pending and the applicant/accused may assist the said persons from getting caught in the present case. The twin conditions U/s 37 of the Act are fully applicable against the applicant/accused.



16. I have carefully perused the records of the present case and heard the arguments advanced by both the sides. The case of the NCB against the applicant/accused is revolving around the recovery of one mobile phone make Oppo F19 Pro, having IMEI Nos. '866899054300874 & 866899054300866' and having the SIM Card bearing no. '8826130278'. The said mobile phone alongwith the 5 other mobile phones were recovered from the possession of the applicant/accused on 10.08.2024. The perusal of the seizure memo reflects that there is no mention of the place from where the said seizure was affected. There is no witness of the said seizure and same has been prepared by seizing IO SI Sandeep Kumar. There is an apparent interpolation in the date of the seizure memo, wherein the month has been changed from July to August. Furthermore, there has been non-compliance of Section 105 of BNSS, 2023 since the seizure mobile phones was

not recorded through audio-video electronic mean by the IO.

17. The mobile number 8826130278, which has been attributed to the present applicant/accused by the NCB, is not registered in the name of the applicant/accused and same is registered in the name of co-accused Sahil and except for the disclosure statements of co-accused persons, there is nothing else on record to establish that the said mobile number was used by the applicant/accused. Whether the said mobile number was used by the applicant/accused or not is a matter of trial and merely because the recovery of the mobile phone alongwith the said SIM Card is shown to be affected from the possession of the applicant/accused, does not establish that he was operating the said mobile phone, especially considering the circumstances surrounding the seizure of the said mobile phone. Reliance is placed on the decision of the Hon'ble Supreme Court of India in "**Tofan Singh Vs. State of Tamil Nadu**", (2021) 4 SCC 1.



18. The Ld. SPP for NCB had argued that the testimony of independent witnesses needs to be recorded before this Court and the said witnesses had duly identified the applicant/accused at the time of investigation. As far as the parcel booking clerk Manoj Kumar is concerned, he had not disclosed that the applicant/accused had booked the parcel in question himself. He had merely stated that he received the instructions from the owner of Berkeley Agencies from mobile no. 8826130278. The applicant/accused is admittedly not the owner of Berkeley Agencies and for the reasons best known to the NCB, the said booking clerk is not named as a prosecution witness.

19. During the arguments, it was pointed out by the Ld. SPP for NCB that one Sachinder was examined before the Ld. JMFC u/s 183 BNSS and he had specifically named the applicant/accused as the person who had booked his tempo for the delivery of the consignment. Perusal of the complaint and the supplementary complaint reflects that for the reasons best known to the IO and complainant, even the said person is not named as a prosecution witness. Furthermore, the said person has stated in his statement that the applicant/accused used to speak with him from mobile no. 7042797342, however, no such number was recovered from the possession of the applicant/accused.

20. As far as the statement of Riya Rai is concerned, there is no explanation offered by NCB, as to why the owner of Berkeley Agencies namely Kamal Kumar Taneja was not examined. In the complaint there is no mention of any notice issued to the said person u/s 67 of the Act. There is no such mention regarding the ongoing investigation qua the said person in the reply filed by the IO and the oral submissions made by the Ld. SPP for NCB is not supported with the documents on the record. The veracity of the statement of the said witness namely Riya Rai shall be tested during the trial and at this stage considering the fact that except for her statement, there is no incriminating evidence linking the applicant/accused to Berkeley Agencies and the possibility of the applicant/accused being falsely implicated by the said witness, in order to save the owner of Berkeley Agencies and herself can not be ruled out.



21. The applicant/accused was apprehended from Rohtak, Haryana after the mobile phone bearing no. 8826130278 was traced as per the technical surveillance. As per the case of NCB, the CDR location of said number was shown in and around Rohtak and mobile number was generally kept switched off and it used to be active around the shop of one Jitender Singh, namely 'Balaji Telecommunications'. As per the IO, the type A location of the said mobile phone came near the said shop. The NCB officials reached the said location and upon enquiries made from Jitender Singh, it was informed that the number in question was used by the applicant/accused and the applicant/accused used to regularly visit his shop. Thereafter, the applicant/accused was called by the said Jitender Singh to his shop and was apprehended by the NCB officials. The said submissions made by the IO regarding the query being put to him by this Court, is not reflected in the complaint and in the said complaint it is merely mentioned that on the basis of technical analysis, NCB team apprehended applicant/accused from Rohtak, Haryana. As per the IO the seizure of the mobile phones were affected at the said shop, yet the proprietor namely Jitender Singh was not made a witness to the said seizure. Although, the statement of Jitender Singh was recorded, however, for the reasons best known to the NCB, even he is not named as a prosecution witness in the present case.



22. During the pendency of the present application, the applicant/accused was granted interim bail on different occasions. Vide order dated 08.07.2025, this Court had granted interim bail to the applicant/accused on medical grounds for a

period of 90 days. When the application seeking further extension was moved before the Court, the same was dismissed on 06.10.2025 and he was directed to surrender before the concerned Jail Superintendent.

23. Perusal of the record reflects that vide order dated 08.10.2025, the Hon'ble High Court of Delhi, in bail application no. 3830/2025 had extended the interim bail granted by this Court till 17.10.2025. Thereafter, on 17.10.2025, the interim bail was extended till 27.10.2025. On 27.10.2025, the said application of the applicant/accused was dismissed by the Hon'ble High Court of Delhi, wherein it was recorded that "*the record shows that on one pretext or the other Interim Bail extensions have been sought on behalf of the petitioner. Pertinently, an Interim Bail was granted by the learned ASJ but the extensions have been sought from this Court.*" Vide the said order dated 27.10.2025, the applicant/accused was directed to surrender before the concerned Jail Superintendent on 29.10.2025 by 05.00 pm.



24. On 30.10.2025, a report was received by this Court, wherein it was brought to the notice that the applicant/accused had violated the conditions imposed upon him and inspite of the directions passed by the Hon'ble High Court of Delhi, the applicant/accused had not surrendered. Thereafter, the applicant/accused approached the Hon'ble Supreme Court of India by filing SLP (Crl.) No. 17447/2025 and the same was also dismissed vide order dated 03.11.2025.

25. Since, the applicant/accused had not surrendered on time and he had surrendered after the Hon'ble Supreme Court of India had declined to interfere with the order passed by the Hon'ble High Court of Delhi on 27.10.2025, therefore, this Court had ordered the personal bond amount to be forfeited to the State. The applicant/accused had duly submitted the forfeited personal bond amount of Rs. 50,000/- before this Court on 27.11.2025. Thus, the matter which was kept pending since 04.11.2025 for pronouncement, was pronounced today.

26. After considering the rival contention of the parties, considering that facts & circumstances of the present case, **firstly**, since the applicant/accused has clean past antecedents; **secondly**, considering that the investigation is completed and the complaint/chargesheet has already been filed; **thirdly**, the peculiar circumstances surrounding the recovery of the mobile phone from his possession and the subsequent alleged recoveries effected on the basis of incriminating material allegedly recovered from the said mobile phone, wherein there is no photography or videography of the seizure proceedings; **fourthly**, the NCB is relying on the statements of certain independent persons, however, they have not been made as the prosecution witnesses for the reasons best known to the IO/complainant. Hence, from totality of the facts and circumstance there exists substantial probable causes that the applicant/accused may not be guilty of the offence he is being charged with and considering his past clean antecedents, this Court is of considered opinion that the twin conditions enshrined u/s 37 of the Act are met by the applicant/accused in the present case. **Therefore, in the**

considered opinion of this court, the present applicant/accused has made out his case for grant of regular bail to him. Hence, the applicant/accused Paras @ Bharat is admitted to regular bail on following conditions :-

- (i) On furnishing of personal bond of **Rs. 1,00,000/-** with **two local sureties** of the like amount, to the satisfaction of this Court/Ld. Link Judge/Ld. Duty JMFC.
- (ii) He shall deposit his passport, if not already deposited/impounded and he shall not leave the country without the permission of this Court.
- (iii) He shall duly join the investigation, as and when called upon by the IO, since the investigation is still pending and he shall not try to tamper the evidence or hamper the trial or try to influence the witnesses, in any manner.
- (iv) He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the IO concerned.
- (v) He shall mark his attendance in the NCB office, on the first Monday of each calendar month, till the investigation is completed and the trial is completed.
- (vi) He shall not commit any offence, whatsoever, during the period he remains on bail in the present case.
- (vii) He shall attend the trial without any single default.

27. Nothing stated herein shall tantamount to any expression or opinion on the merits of the case.

28. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused Paras @ Bharat for grant of regular bail is accordingly disposed of as allowed.

29. Needless to say, that nothing expressed herein shall have any effect on the merits of the case.

30. Copy of this order be sent to Jail Superintendent, concerned for necessary intimation to the applicant/accused.

31. Application is disposed of accordingly.

32. Copy of the order be given dasti as well as be sent to jail superintendent for supplying the same to accused in jail.


(ATUL AHLAWAT)
ASJ/SPECIAL JUDGE (NDPS)/
PHC/NEW DELHI/28.11.2025

Special Judge NDPS
Room No. 36, P. Building
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