



2026:DHC:9300



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 13th October, 2026

CNR No. DLHC010495062026

+ BAIL APPLN. 4350/2026 & CRL.M.A. 32230/2026

GURJANT SINGH

.....Petitioner

Through: Mr. Abhishek Gupta, Advocate.
(M): 9718062292

versus

STATE

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State.
(M): 9868632122
Email:
ajayvikramsingh563@gmail.com
SI Chetan, PS Crime Branch.
(M): 9466887794**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of anticipatory bail to the petitioner, i.e., Sh. Gurjant Singh S/o Sh. Puran Singh, invoking the jurisdiction of this Court, seeking protection from arrest in connection with the First Information Report ("FIR"), being *FIR No. 89/2026*, dated 16th April, 2026, registered at Police Station ("PS") Crime Branch, Delhi, under Sections 18/23 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act").
2. The facts, relevant for adjudication of the present application, as culled



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from the documents on record, are as follows:

2.1. On 16th April, 2026, on the basis of secret information, a raid was conducted at a warehouse of DHL Courier Services, located at Rama Road, Moti Nagar, Delhi, wherein, upon search of a parcel bearing tracking ID 2521789443, some clothes and two pairs of shoes were found.

2.2. On further inspection of the said shoes, four transparent polythene packets containing 250 grams of opium were recovered.

2.3. Accordingly, the present case was registered and investigation was carried out.

2.4. A co-accused, namely, Sh. Mohitpal Singh, was arrested and during interrogation, who disclosed that he used to procure the contraband from one Sh. Sarabjeet.

2.5. During interrogation, the accused, Sh. Sarabjeet, disclosed that he procured the said contraband from the petitioner herein.

3. Learned counsel appearing for the petitioner submits that the petitioner's name has only been disclosed by the accused. Further, neither is there any money trail, which has been discovered linking the petitioner, nor any recovery has been made from the petitioner.

4. Opposing the present application, learned Additional Public Prosecutor ("APP") for the State categorically submits that the name of the petitioner has been disclosed by the co-accused, Sh. Sarabjeet.

5. Learned APP for the State further submits that the petitioner herein has been earlier convicted on 21st November, 2024 under the NDPS Act. After conviction, he has been involved in the same offence under NDPS Act.

6. He submits that notice under Section 67 of the NDPS Act was issued to the petitioner to join the investigation. However, the petitioner never joined



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the investigation.

7. He further submits that the said notices under Section 67 of the NDPS Act were sent to Amritsar, Punjab, where the petitioner resides and the same were received by his sister.

8. Learned APP for the State submits that Non-Bailable Warrants (“NBWs”) have already been issued against the petitioner, as the petitioner did not cooperate in the investigation. He further submits that proceedings for declaring the petitioner as Proclaimed Offender have also been initiated and the next date before the Sessions Court is 27th October, 2026.

9. Having heard learned counsel appearing for the parties, this Court notes that the petitioner has earlier been convicted under the NDPS Act on the ground of recovery of 10 grams of *Heroin* from him.

10. It is also noted that the petitioner has not joined the investigation despite notices under Section 67 of the NDPS Act having been served upon the petitioner. Thus, NBWs already stand issued against the petitioner and proceedings for declaring the petitioner as Proclaimed Offender are also pending.

11. This Court notes the submission made by the learned APP for the State that the custodial interrogation of the petitioner is necessary to unearth the complete conspiracy in the present case, including, the tracing of forward and backward linkages to the chain of contraband in question.

12. This Court also notes that though the co-accused have been released on bail, they were apprehended, interrogated and then released on regular bail. Thus, the ground of parity would not be tenable, as the co-accused persons were granted regular bail only after their arrest, and after approximately two months of custody.



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13. Moreover, this Court notes that the petitioner is also involved in other criminal cases of similar nature and has been convicted in the said case.

14. Fruitful reference may be drawn to the decision of the Supreme Court in the case of *Srikant Upadhyay and Others Versus State of Bihar and Another*, (2024) 12 SCC 382, wherein, it has been stated that though power to grant anticipatory bail is an extraordinary power, however, the same has to be used with caution as it may lead to tampering, dissolution or destruction of evidence. The relevant portion of the said judgement reads as under:

“xxx xxx xxx

30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. **While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.** We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant. xxx xxx xxx”

(Emphasis Supplied)



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15. Considering the facts and circumstances of the present case and that the allegations against the petitioner being serious in nature, this Court is of the view that the custodial interrogation of the petitioner would be necessary as stated by learned APP for the State.

16. Accordingly, no merit is found in the present petition

17. The present petition along with the pending application is accordingly dismissed.

MINI PUSHKARNA, J

OCTOBER 13, 2026

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