



2025:DHC:6570



\$~2

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

%

*Date of Decision: 07.08.2025*+ **BAIL APPLN. 1548/2025****MAYANK NAYYAR**

.....Petitioner

Through: Mr. N. Hariharan, Senior Advocate with Mr. Anmol Sachdeva, Mr. Akshay, Ms. Megha, Ms. Punya Rekha, Ms. Vasundhara, Mr. Aman Akhtar, Ms. Sana Singh, Mr. Vinayak Gautam, Ms. Vasundhara Raj Tyagi and Mr. Arjun Singh Mandla, Advocates.

versus

**STATE GOVT OF NCT OF DELHI**

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with Inspector Arvind Kumar, PS Crime Branch.

**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.10/2024 of PS Crime Branch for offence under Section 20/23/29 of NDPS Act. I have heard learned senior counsel for accused/applicant and learned prosecutor assisted by IO/Inspector Arvind.

2. Broadly speaking, the prosecution case is as follows. At the Foreign



Post Office (FPO), four parcels suspected to be containing *ganja* were intercepted. On being opened, those parcels were found to contain a total quantity of 5137 grams *ganja*, which is an intermediate quantity. The addresses of the recipients of those four parcels were found to be fake. With the help of mobile phone numbers of the recipients mentioned on those parcels, the IO retrieved the IMEI numbers of the phones which had used those SIM cards. One of those IMEI numbers belonged to the now deceased father of the present accused/applicant.

3. On behalf of the accused/applicant, it is contended that there is absolutely no evidence against him, insofar as admittedly nothing incriminating was recovered from his possession or at his instance. The accused/applicant was arrested on 16.01.2025 and presently, he is on interim bail on the ground of birth of a child in his family.

4. Learned APP opposes the bail application, contending that there is substantial evidence to establish the role of conspirator played by the accused/applicant. It is contended that the accused/applicant has been transacting with drug sellers on the dark web with the use of cryptocurrency. In this regard, learned APP seeks to rely upon certain text chats between the accused/applicant and the drug sellers on the dark web. Further, the prosecution also relies upon telephonic connectivity between the present accused/applicant and the co-accused Abdul Malik, from whose possession 871 grams of *ganja* was recovered. Learned APP submits that the accused/applicant smartly transacts repeatedly through intermediate quantity



of contraband so as to avoid the rigours of Section 37 NDPS Act.

5. Admittedly, nothing incriminating was recovered from the accused/applicant. The material collected by the investigator to support the allegation of conspiracy are the text chats between the accused/applicant and co-accused Abdul Malik. But none of those text chats explicitly refer to any illegal activity. Of course, in such situations, the criminal would not be explicit. But then, it is the investigative skills which should find out some reliable material, when it comes to curtailing liberty of an individual. Even from Abdul Malik, the alleged recovery is of only 871 grams of *ganja*, which offence is bailable. It is correct that conspiracies are hatched in secrecy and it is very difficult to get clear explicit evidence. But at least there has to be some material, relying upon which conspiracy can be inferred as a justification to curtail liberty of an individual.

6. So far as transactions through dark web are concerned, learned APP submits that logging into dark web is not an offence and even dealing in cryptocurrency (*though cryptocurrency is not recognized as valid tender*) is not an offence. But most importantly, there is no material to show that the accused/applicant purchased *ganja* or any other contraband by use of cryptocurrency.

7. Considering the above circumstances, I find no reason to deprive the accused/applicant liberty. Therefore, the application is allowed and the accused/applicant who is currently on interim bail is admitted to regular bail



2025:DHC:6570



subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court.

**GIRISH KATHPALIA  
(JUDGE)**

**AUGUST 7, 2025/ry**