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

% *Date of Decision: 17.11.2026*

\# **CNR No. DLHC010357652026**

\+ **BAIL APPLN. 3153/2026**

SUBHASH CHAND (THROUGH PAIROKAR) .....Petitioner

Through: Mr. Bharat Chugh, Mr. Jai Allagh and Mr. Maanish Mohan Choudhary, Advocates

versus

CENTRAL BUREAU OF INVESTIGATION .....Respondent

Through: Ms. Rajni Gupta, SPP for CBI with Inspector Abhijeet Shekhawat, ACB

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case RC No. 0032026A0026, registered by Anti Corruption Branch of CBI, New Delhi for offence under Section 61(2), BNS and Section 7, Prevention of Corruption Act.

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2. Broadly speaking, the accused/applicant, being head of the Narcotics Cell of the Delhi Police was allegedly involved in extortion racket with the help of his subordinates.

2. 1 The relevant factual matrix as per prosecution case is as follows. On the basis of a written complaint dated 21.04.2026 lodged by the complainant *de facto*, the CBI swung into action. In the said complaint, it was alleged that five officials of Anti Narcotics Cell, Dwarka came to the residence of the complainant *de facto* and despite her protests began search of the house without any authority; that they took out a bag from their own vehicle and placed the same inside her house claiming it to contain *ganja* and threatened to falsely implicate her in a case under NDPS Act; that one of the those police officials namely, HC Ajay Kumar told her that if she paid Rs. 25,00,000/-, no case would be registered against her and when she expressed inability, one of those officials made a telephone call to a person named Subhash (*allegedly the present accused/applicant*) and thereafter, they reduced the demand to Rs.15,00,000/-, out of which Rs.5,00,000/- to be paid on 21.04.2026.

2.2 For verification of the complaint, a WhatsApp call on speaker mode was made by the complainant *de facto* to HC Ajay Kumar in presence of the verifying officer and two independent witnesses. During that phone call, the complainant *de facto* told HC Ajay Kumar that she had been able to arrange only Rs.2,00,000/- towards part payment of bribe amount, which he

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instructed her to deliver on the same evening. The said telephone call was recorded and after verification of the demand, a trap was laid.

2.3 On 21.04.2026 at about 07:07pm at the office of Anti Narcotics Cell Dwarka, the trap laying officer Inspector Satyavir in presence of two independent witnesses, the complainant *de facto* and witness of the verification proceedings, laid the trap.

2.4 During the trap, HC Ajay Kumar demanded and accepted the bribe of Rs.2,00,000/- from the complainant *de facto* and was caught red handed. The currency recovered from HC Ajay Kumar tallied with the currency that had been used for trap. Both hands of the HC Ajay Kumar on being washed turned pink, thereby confirming his having handled the phenolphthalein treated notes and the said report returned positive from CFSL. Contemporaneous to the transaction, the trap proceedings were captured and recorded, during which HC Ajay Kumar, at the time of accepting the bribe stated: "*abhi Subhash Sahab se baat hui hai"* and the complainant *de facto* stated: "*mereko darr lagta hai.... Subhash sir se darr lagta hai"*.

2.5 During the search of the premises of Anti Narcotics Cell in presence of both independent witnesses, an unaccounted cash amount of Rs.48,87,600/- was recovered from the area adjacent to the an immediately below window of the restroom of the accused/applicant regarding which no explanation came from the accused/applicant. Further, in the official room of the accused/applicant, currency counting machine was found, but for that also no explanation was advanced.

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3. Against the above backdrop, it is contended by learned counsel for accused/applicant that he has been falsely implicated in order to discourage the other officials of Narcotics Cell, as the complainant *de facto* and her family members are involved in a number of cases under the NDPS Act and under the Excise Act. It is contended by learned counsel that the criminal law does not recognize vicarious liability, so for the bribe demanded and accepted by HC Ajay Kumar, no liability can be foisted on the present accused/applicant. Learned counsel for accused/applicant contends that the amount of Rs. 48,87,600/- was recovered from a public place and not from person of the accused/applicant, so that recovery is of no consequence. It is also contended that since no videography of the alleged recovery of money was carried out, the investigation was faulty. Learned counsel for accused/applicant also contends that since no seizure memo of the currency counting machine was prepared, that fact raises doubts about truthfulness of prosecution case.

4. Per contra, learned SPP for CBI strongly opposes the bail application on the ground that the framing of charges is yet to be considered by the learned trial court, so this is not an appropriate stage, looking into the gravity of the offence. It is contended that the recovery of Rs. 48,87,600/- was not from a public place but from window of the restroom attached with the official room of the accused/applicant and the place of the alleged recovery is not accessible to anyone except the accused/applicant. It is also contended that during the trap proceedings, the investigating officer also found a dummy CCTV Camera in the official room of the accused/applicant,

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which was being used to extort money from the victims. Further, it is submitted that the accused/applicant even destroyed his mobile phone and tried to mislead the investigating officer by stating that he had thrown the mobile phone in a drain, so the same could not be recovered. As regards the seizure memo pertaining to the currency counting machine, it is submitted by learned SPP that since the same was not seized, there was no purpose to prepare any seizure memo.

5. In rebuttal, learned counsel for accused/applicant submits that the accused/applicant had handed over his Apple phone to the Investigating Officer, so there was no reason for him not to hand over his Samsung phone as well. It is also contended that even the Samsung phone of the accused/applicant had been taken away by the Investigating Officer during the trap proceedings itself, though without issuing any memo or receipt.

6. To begin with, it has to be kept in mind that at the relevant time, the accused/applicant was heading the Anti Narcotics Cell, Dwarka and his immediate subordinate was caught red handed while accepting bribe that had been demanded by him through HC Ajay Kumar. As mentioned above, the investigation also reveals that in the course of trap proceedings, there was repeated reference to the accused/applicant by name. That being so, the gravity of offence becomes significantly vital in the present case.

7. Then comes the recovery of Rs.48,87,600/- attributed to the accused/applicant, which money has not been explained by the accused/applicant. The argument advanced on behalf of the

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accused/applicant that the said amount was recovered from a place accessible to public does not convince in view of the material on record and forming part of the chargesheet that the said place was accessible only to the accused/applicant. According to the same, the restroom from window whereof the money was recovered was attached to the office room of the accused/applicant, key whereof remained with the Duty Officer for being used by the accused/applicant only, according to statement of the Duty Officer.

8. It would also be significant to note that consequent upon further detailed investigation by the CBI, a case for disproportionate assets also stands registered against the accused/applicant, which also significantly adds to the gravity of the offence alleged against the accused/applicant in view of his official position.

9. Further, the CBI also found an antecedent demand of Rs.20,00,000/- made by the accused/applicant on 18.03.2026 in connection with the detention of daughter of the complainant *de facto* under the NDPS Act.

10. So far as the alleged destruction of Samsung mobile phone is concerned, I do not find any convincing explanation from the side of the accused/applicant. I find it unbelievable that the accused/applicant despite being such a senior police officer would be so gullible that he would handover his mobile phone to the Investigating Officer without any receipt or memo issued by the Investigating Officer.

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11. The co-accused HC Ajay Kumar also has not been granted bail till date and he, as mentioned above, being subordinate of the present accused/applicant was acting on his instructions according to the CBI.

12. At this stage, I must also add a cautious rider that the above observations have been recorded for the limited purposes of analyzing the rival arguments for consideration of bail. The learned trial court shall take an independent view on the basis of material on record.

13. Considering the overall circumstances described above, especially the dominant and powerful position held by the accused/applicant as head of the Anti Narcotics Cell and the extortion allegedly committed at his behest by his subordinate Head Constable, I do not find it a fit case to grant bail to the accused/applicant at this stage.

14. Therefore, the bail application is dismissed.

15. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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(JUDGE)

NOVEMBER 17, 2026/*as*

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