



2025:DHC:7282



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

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*Date of Decision: 25.08.2025*

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**BAIL APPLN. 1819/2025**

VANLALBIAKDIKA JH

.....Petitioner

Through: Mr. RA Worso Zimik, Mr. Yurngam  
A Shimray and Mr. Yaorei Horam,  
Advocates.

versus

DIRECTORATE OF REVENUE INTELLIGENCE .....Respondent

Through: Mr. Satish Aggarwal, Advocate.

**CORAM: JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case DRI/DZU/34/Enq-05/23 of PS DRI-DZU for offence under Section 21/23/29 of NDPS Act.
2. I have heard learned counsel for accused/applicant and learned Standing Counsel for respondent.
3. Broadly speaking, the allegation against the accused/applicant is that he was apprehended at IGI airport and was found carrying 2.81 kg cocaine concealed in four books. The allegedly recovered cocaine is almost 20 times



the commercial quantity, so rigours of Section 37 NDPS Act would come into play.

4. On behalf of accused/applicant, only four arguments are raised. Firstly, it is contended that there is a delay in trial, so the accused/applicant is entitled to be released on bail. Secondly, it is argued that the notice under Section 50 NDPS Act was invalid because it was issued by the same Gazetted Officer, in whose presence the alleged search was carried out. Thirdly, it is argued that there is a delay of one week in depositing the allegedly recovered contraband in *malkhana*. Lastly, it is argued that paragraph 2(j) of the Complaint uses the expression “both”, which would show that two persons were apprehended and there is no clarity as to whether the alleged recovery was from the accused/applicant or from the other person who was let off.

5. Learned Standing Counsel for respondent has strongly opposed the bail application, contending that there is no delay on the part of the respondent in proceeding with the trial. It is argued that the alleged challenge to the validity of notice under Section 50 NDPS Act has to be considered only at the conclusion of trial as held by the Supreme Court in the case titled *Vijaysinh Chandubha Jadeja vs State of Gujarat*, AIR 2011 SC 77. So far as the alleged delay in depositing of the case property, it is contended by learned Standing Counsel that this is also a matter of trial, especially in view of no challenge to the seal having remained intact. Lastly,



as regards the expression “both” used in paragraph 2(j) of the Complaint, it is explained by the learned Standing Counsel that the same is only a matter of a typographical error.

6. At the outset, it has to be kept in mind that the quantity of the allegedly recovered contraband being almost 20 times the commercial quantity, rigours of Section 37 NDPS Act must come into play. The court has to be satisfied that there are reasonable grounds for believing that the accused/applicant is not guilty of the offence alleged against him and that he is not likely to commit any offence while on bail.

7. The argument of the expression “both” used in paragraph 2(j) of the Complaint has been pressed by learned counsel for accused/applicant with full emphasis. But in this regard, the Complaint has to be read in its entirety to understand the case set up by prosecution. A single handpicked sentence from the Complaint cannot be given so much of importance as to discard the remaining contents thereof. Except paragraph 2(j) of the Complaint, no other part of the Complaint or even evidence has been shown from which a reasonable doubt could be created about involvement of a second accused, who was let off.

8. As regards validity of the notice under Section 50 NDPS and the time taken in deposit of the allegedly recovered contraband in *malkhana*, these are matters of trial. There is no allegation that the parcels of the allegedly



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recovered contraband which were sealed including a paper tape bearing signatures not just *panchnama* witnesses but even of the accused/applicant was found tampered with at any stage.

9. So far as the alleged delay in trial is concerned, on last date, learned counsel for accused/applicant had taken time to place on record ordersheets of the trial court, but no such material has been placed on record. However, the learned Standing Counsel on this aspect has referred to a judicial precedent in the case of *NCB vs Mohit Aggarwal* (Criminal Appeals No.1001-1002 of 2022), in which vide order dated 19.07.2022, the Supreme Court took a view that mere length of undertrial custody is not a consideration that can persuade grant of bail in view of Section 37 NDPS Act.

10. In view of the above discussion, I do not find it a fit case to release the accused/applicant on bail. The bail application is dismissed. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA**  
**(JUDGE)**

**AUGUST 25, 2025/ry**