



2025:DHC:10961



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

*Reserved on: 11.11.2025*  
*Date of Decision: 06.12.2025*

+ **BAIL APPLN. 3226/2025**

**TARZAN ALIAS SAHIL MATHUR** ....Petitioner

Through: Mr. R.S. Kundu, Mr. Shubham  
Mavi, Mr. Shitanshu Saklani, Mr. Sandeep  
Chawla, Advs.

versus

**STATE NCT OF DELHI** ....Respondent

Through: Mr. Satish Kumar, APP for  
State along with SI Naveen Yadav, PS NFC

**CORAM:**  
**HON'BLE MR. JUSTICE AJAY DIGPAUL**

### **J U D G M E N T**

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1. The present application has been preferred by the petitioner/applicant/accused under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup>, seeking regular bail, in connection with the FIR No. 350/2024 registered at Police Station - New Friends Colony, under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985<sup>2</sup>.

#### **Factual Matrix**

2. The present case arises out of the FIR registered under Sections 21/22 of the NDPS Act. The recording of information at the police

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<sup>1</sup> Hereinafter "BNSS"

<sup>2</sup> Hereinafter "NDPS"



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station is documented in GD Entry No. 0069A dated 12.12.2024. As per the record, on 12.12.2024, at about 04:30 PM, SI Pardeep Chauhan, was present at the police station when a secret informer approached him and informed that one person would arrive at Taimoor Nagar IG Camp Slum Area to supply narcotic substances. This information was conveyed to the SHO, who directed appropriate legal action to be taken. The information was reduced into writing vide DD No. 69A dated 12.12.2024 at 04:53 PM.

3. Upon receiving directions from the SHO, a raiding party was constituted under the charge of SI Pardeep Chauhan. The raiding team consisted of HC Lomesh, HC Sonu, HC Nimit, Ct. Amit, and Ct. Khem Chand. The team proceeded partly in a private vehicle of the SI (Hyundai i10 Nios) and partly on a government vehicle. The departure for the raid was recorded vide DD No. 70A at 05:04 PM on 12.12.2024.

4. The raiding party reached C.V. Raman Marg, near Gurudwara Red Light, Taimoor Nagar at around 05:20 PM. The record shows that the SI requested 2–3 passers-by to join the proceedings, but they declined and left without disclosing their particulars. The raiding party thereafter took positions near the red light.

5. At around 05:45 PM, a white Hyundai Verna car approached the spot from the NFC side towards Ashram. On seeing the vehicle, the secret informer pointed out the driver as the person coming to supply narcotics, after which the informer left the place. The vehicle was stopped by the raiding party, and due to traffic congestion, was moved a short distance ahead towards Honey Money Top for safety and convenience.



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6. The driver of the vehicle disclosed his identity as Tarzan @ Sahil Mathur. The SI introduced himself and informed him of the suspicion of narcotics in his possession, explaining his legal rights under Section 50 NDPS Act. The record states that a written notice under Section 50 NDPS Act was served upon him, and on its carbon copy the accused wrote that he did not wish to be searched before a Gazetted Officer or Magistrate. He signed the carbon copy acknowledging this.

7. A search of the accused was then conducted. From the right pocket of his pant, three white-color knots allegedly containing MDMA were recovered. Thereafter, the Hyundai Verna car bearing registration No. DL-3CPB-6286 was searched. From beneath the front passenger foot mat, a handy purse was recovered. Inside the purse, 74 transparent plastic packets containing brown and light red coloured substance suspected to be smack were found.

8. Further search of the vehicle led to recovery of two strips containing a total of 13 capsules of SPASMO-PROXYVON PLUS, each capsule stated to contain Tramadol Hydrochloride 50 mg along with other constituents. These strips were recovered from the area below the handrest between the driver and passenger seats.

9. The SHO was informed telephonically of the apprehension and recovery. The Crime Team and FSL Field Unit arrived at approximately 08:30 PM, conducted inspection, and took photographs. The FSL expert carried out field-testing and indicated that the recovered substances were *prima facie* MDMA, smack, and Tramadol. These items were separately packed, sealed, and marked as M-1, S-1, S-2, S-3, and C-1 as per the seizure and inventory record



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dated 13.12.2024. The recovered materials were weighed. The record reflects the following weights:

- a. MDMA: total net weight 1.05 grams after deducting packaging;
- b. Smack: the 74 packets were divided into two groups (40 packets = 18.41 g; 34 packets = 16.19 g), totalling 34.60 grams;
- c. Tramadol: 13 capsules of 50 mg each (total 650 mg).

**10.** The seal used on the packets was thereafter handed over to HC Sonu, and a seal-handing-over memo was prepared. The vehicle, along with one leather bag, one laptop, four mobile phones, and cash recovered from the spot, was taken into police custody. The entire process of search and seizure was photographed and videographed.

**11.** The accused was formally arrested on 12.12.2024, and an arrest memo to this effect was prepared. He was then taken to the police station along with the seized case property.

**12.** Investigation was assigned to SI Naveen Yadav, who completed further proceedings including preparation of site plan, recording of witness statements under Section 180 BNSS, arranging sampling proceedings before the Ld. Magistrate, and forwarding the case property to FSL. The chargesheet records the completion of sampling under Section 52A NDPS Act pursuant to court orders dated 17.12.2024, 29.01.2025, and other dates.

**13.** The police filed the chargesheet on 08.02.2025, naming Tarzan @ Sahil Mathur as the sole accused who was charge sheeted. One person named Suraj (brother of the accused) was listed as a suspect but not charge-sheeted.

**14.** The accused then moved a bail application before the Court of the learned ASJ, which was dismissed vide order dated 03.03.2025.



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Thereafter, the present bail application was filed by the petitioner who has remained in judicial custody since 12.12.2024 onwards.

**Submissions on behalf of the petitioner**

**15.** Mr. Ranbir Singh Kundu, learned counsel appearing on behalf of the petitioner submits that he has been falsely implicated in the instant FIR and that he has no connection with the alleged offence. It is submitted that the FIR was registered on 13.12.2024 on the basis of information received from a secret informer, which did not contain the name or identity of any specific person and merely stated that an “unknown” individual would come to Taimoor Nagar IG Camp Slum Area to sell narcotics. The petitioner contends that, in the absence of a specific and identifiable suspect, the possibility of false implication cannot be ruled out.

**16.** It is further submitted that the notice/information recorded under Section 42 NDPS Act, vide GD No. 0069A dated 12.12.2024, is vague and non-specific. It is his case that Section 42 requires specific information capable of verification, and according to him, the recorded information does not satisfy that requirement.

**17.** It is also submitted that the alleged recovery is of small and non-commercial quantity. The petitioner refers to the inventory dated 13.12.2024 and the seizure memo relating to Tramadol, wherein the following quantities are recorded - (1) 1.05 grams of MDMA, (2) 34.60 grams of smack, and (3) 13 capsules of Tramadol, totalling 650 mg. Learned counsel asserts that each of these quantities falls in the category of small and non-commercial quantity. He therefore submits



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that the rigors applicable to commercial quantity cases do not arise in this matter.

**18.** Learned counsel further submits that the grounds of arrest were not supplied to the petitioner at the time of his apprehension and that the non-supply of grounds of arrest constitutes a violation of procedural safeguards guaranteed to him.

**19.** It is submitted that the investigation in the matter has been completed in all respects. Attention is drawn to the fact that the chargesheet has already been filed on 08.02.2025 and that no further custodial interrogation is required.

**20.** It is further submitted that the petitioner has remained in judicial custody since 12.12.2024, and therefore, as of the date of the bail application before the High Court, he has undergone almost a year of incarceration without trial. He contends that no useful purpose would be served by keeping him further in custody, particularly when the evidence collected by the prosecution is documentary in nature and already stands crystallized in the chargesheet.

**21.** The petitioner also submits that he is the sole breadwinner of his family, consisting of an ailing mother and two minor children, and there is no other adult male member to support them. According to him, his prolonged custody would cause undue hardship to his dependents.

### **Submissions on behalf of the State**

**22.** *Per Contra*, learned APP, appearing on behalf of the State opposes the grant of bail. It is submitted that full compliance with mandatory procedures for receiving information and conducting the



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raid were made. The raiding team, composed of authorized officers, attempted to join public witnesses but none cooperated.

**23.** The accused arrived at around 5:45 PM in a white Hyundai Verna and, after being identified by the informer, was apprehended and served with a Section 50 NDPS Act notice, which he signed, declining search before a Gazetted Officer or Magistrate. A search recovered three white knots of MDMA from his pant pocket, 74 packets of smack from a purse under the car's foot mat, and 13 Tramadol capsules from beneath the handrest, all confirmed through on-the-spot FSL field testing. The prosecution states that all items were properly weighed, sealed, and documented, with seizure and seal-handing-over memos prepared.

**24.** The accused was arrested at the spot, and subsequent investigation included recording statements, preparing a site plan, conducting sampling before the Magistrate, and sending the case property to FSL. Relying on the FIR, seizure documents, Section 50 notice, and the chargesheet, the State argues that sufficient material links the accused to the recovered narcotics and thus, bail should be denied.

### **Analysis and findings**

**25.** Heard learned counsel for the parties and perused the material available on record.

**26.** The record shows that the SI served a written notice under Section 50 NDPS Act on the person who identified himself as Tarzan @ Sahil Mathur and the carbon copy of the Section 50 notice bears the accused's writing that he did not wish to be searched before a



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Gazetted Officer or Magistrate. The accused has signed that document.

**27.** A personal search of the petitioner is recorded to have produced three white knots taken from his right pant pocket which were identified by the FSL field test as prima facie MDMA. A search of the Hyundai Verna, registration No. DL-3CPB-6286, produced a handy purse from beneath the front passenger footmat which contained 74 transparent packets of a brown/light-red substance suspected to be smack, and further search revealed two strips amounting to 13 capsules of Tramadol Hydrochloride (50 mg per capsule). The recovered items were weighed and recorded as 1.05 grams MDMA, 34.60 grams smack (40 packets = 18.41 g; 34 packets = 16.19 g), and 650 mg Tramadol (13 capsules). The seized items were packed, sealed, marked as M-1, S-1, S-2, S-3, C-1, and the seal was handed over to HC Sonu with a seal-handing-over memo. Photographic and videographic records were made on E-Sakshya.

**28.** The petitioner's contentions are limited and clear on the face of the record. *First*, that the initiating information recorded under Section 42 was vague and non-specific because it mentioned an "unknown" person and did not identify the petitioner. *Second*, that Section 50 NDPS Act and the requirement to supply grounds of arrest were not properly complied with. *Third*, that the quantities recovered are small and non-commercial and therefore, weigh in favour of bail. *Fourth*, that investigation is complete and the chargesheet dated 08.02.2025 crystallises the prosecution case, and *fifth*, that the petitioner has been in custody since 12.12.2024 and is the sole breadwinner of his family.

**29.** This Court shall first deal with the contention that the initial information was too vague and the consequence that false implication





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cannot be ruled out. The record indisputably shows that the information was recorded in writing in DD No. 69A dated 12.12.2024, and that the SHO, after perusal, directed action. The subsequent events recorded on the same day show that the informer accompanied the party, observed the arrival of the white Hyundai Verna and identified the driver at the spot.

**30.** The initial informer's information did not state a name or a *priori* description is a fact, but the material also shows that the informer's identification at the scene was the operative event that led to the interception and the recovery. The question whether the informer was reliable in truth and whether any later identification is impeachable are matters for trial.

**31.** On the present record the informer's tip, the accompaniment to the spot, and the field identification together constitute contemporaneous material linking the petitioner to the recovery. The petitioner's submission that an "unknown" informer necessarily implies a reasonable likelihood of false implication is not borne out by the facts on record, which show an immediate chain of events from written information to identification to interception and seizure. Whether the informer's testimony is reliable or whether identification evidence should be disbelieved are matters for trial and cannot be resolved at this stage on the basis of the present documentary material.

**32.** Now dealing with the next contention regarding the alleged failure to supply grounds of arrest. The record contains the notice under Section 50 NDPS Act having been served on the petitioner, and the carbon copy bears his handwriting and signature in which he expressed that he did not wish to be searched before a Gazette Officer or Magistrate.



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**33.** It is to be noted that in the notice under Section 50 NDPS Act served upon the petitioner, the chain of events of the raiding party apprehending the petitioner is specifically mentioned along with the information that there were chances of recovery of contraband from him if he was searched. Further, in the seizure memo prepared, the details of recovery of quantity of narcotic substance were mentioned. These documents bear the signature of the petitioner. Furthermore, the application seeking remand of the applicant was filed, which also contained the details pertaining to recovery of narcotic substance from him, his arrest thereto, and the need for his police custody remand, and admittedly, the applicant was present before the Court along with his counsel.

**34.** Recently, the Hon'ble Supreme Court in *State of Karnataka v. Sri Darshan*<sup>3</sup> has held that although the law requires informing an arrested person of the grounds of arrest, it does not mandate a specific format or written notice, and courts accept substantial compliance unless actual prejudice is shown. It was further observed by the Hon'ble Court that in the case before it, the records indicated that the accused therein understood the reasons for their arrest, had legal representation from the start, and quickly sought bail and since no prejudice from any procedural lapse was demonstrated, any irregularity is considered minor and not a valid basis for granting bail. Relevant paragraph of the same is as under:

“20.1.3. The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest – but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.

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<sup>3</sup>2025 INSC 979



20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail...”

**35.** Thus, *prima facie*, it cannot be held that the petitioner herein was not made aware as to why and on what ground he had been arrested in this case.

**36.** The petitioner’s later claim that the grounds of arrest were not supplied is raised now before this Court but was not pressed in the earlier remand proceedings of 13.12.2024 and 15.12.2024, where the remand application and remand order indicate the grounds of arrest and the petitioner was represented through his counsel. Upon the bare perusal of the material available on the record, this Court is of the view that no prejudice had been caused to the right of the petitioner at the time of the arrest. The record reflects that the petitioner was fully conscious of the circumstances of the arrest.

**37.** The record does not show any objection on behalf of the accused in the remand proceedings to the effect that the grounds were not communicated. On the present record, this Court finds no substance in the contention that a violation of the right to be informed of grounds of arrest occurred such as to vitiate the custody at the stage of bail. The petitioner’s signature on the carbon copy of the Notice under Section 50 NDPS Act and the police records showing arrest and seizure weigh against the petitioner. Further, upon a bare reading of the contents of the chargesheet as well it is evident that the accused



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was informed about the reasons regarding his apprehension, receipt of secret information, informing of his rights and the reasons for his arrest. Thus, the said contention does not hold any water at this stage.

**38.** The petitioner places emphasis on the classification of the recovered quantities as small and non-commercial. The inventory dated 13.12.2024 records 1.05 grams MDMA, 34.60 grams smack, and 650 mg Tramadol. These figures are not disputed on the record. The quantities, on their face, are non-commercial. It is however apparent from the chargesheet that in the course of the arrest and recovery, the petitioner made disclosures and the circumstances recorded indicate that he was intercepted while allegedly holding the contraband for supplying.

**39.** The chargesheet contains the narrative that the informer had information about supply, that the petitioner was apprehended in transit to supply drugs, and that the petitioner's person and his vehicle contained packets and capsules concealed under foot mats and the handrest. Although the quantity is not stated in the record to be commercial, the chargesheet narrative that the petitioner was intercepted in circumstances consistent with supply is an important consideration and do not, in any case become a ground for bail. Consequently, it is not correct to treat the numerical classification of quantity as determinative in isolation to determine the grant of bail and the context and the petitioner's alleged intent, as reflected in the chargesheet, are material to the determination. A mere assumption that bail is a right, in case of a non-commercial quantity, is not correct. Though the petitioner is not required to satisfy the twin conditions laid down in the Act, however, it is wrong to infer that there is no *prima*



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*facie* case against him. The petitioner must satisfy the general principles of bail under the Code of Criminal Procedure, 1973<sup>4</sup>/BNSS.

**40.** The petitioner also argues that the investigation is complete and that the chargesheet crystallizes the prosecution case, leaving no purpose for further custody.

**41.** The record does support that investigation, insofar as the petitioner is concerned, has been substantially completed. The chargesheet has been filed, sampling under Section 52A NDPS Act was conducted pursuant to court orders (17.12.2024 and 29.01.2025), and statements under Section 180 BNSS are recorded. However, the trial is still at the stage of recording of evidence. While the right to speedy trial is a constitutional guarantee, the Hon'ble Supreme Court in a catena of judgments including *Deepak Shubashchandra Mehta v. CBI*<sup>5</sup> has held that mere long incarceration cannot by itself be a ground for bail and ought to be considered in light of the other material. Thus, the petitioner has not been able to make out any ground as such.

**42.** Now advertent to the question of antecedents. The material placed before this Court, records multiple earlier FIRs involving the petitioner, namely, FIR No. 548/2003 PS O.I. Estate (Sections 24/54/59 Arms Act, 1959), FIR No. 31/2009 PS Ambedkar Nagar (Sections 143/147/148/323/325/149 of the Indian Penal Code, 1860<sup>6</sup>), FIR No. 1248/2006 PS Ambedkar Nagar (Sections 24/54/59 Arms Act, 1959), FIR No. 568/2021 PS Neb Sarai, in addition to the present FIR, which is the subject matter before this Court. This record of antecedents, as placed by the prosecution in the status report and

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<sup>4</sup> Hereinafter "CrPC"

<sup>5</sup> (2012) 4 SCC 134

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referred to in the arguments advanced by the State, must be taken into account while adjudicating the bail plea, because it bears upon the question of the petitioner's propensity and the risk of reoffending if enlarged on bail. The multiplicity and nature of the earlier cases reflect a history that cannot be ignored on the material presently before this Court. Even the Hon'ble Supreme Court in ***Gudikanti Narasimhulu and Ors. vs. Public Prosecutor, High Court of Andhra Pradesh***<sup>7</sup> has observed that criminal antecedents of an accused are of substantive relevance while deciding a bail application and are to be considered while adjudicating such application. The relevant portion of the same is as under:

“10. Thus the legal principle and practice validate the court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record-- particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance.”

**43.** The record, when viewed as a whole, discloses *prima facie* material linking the petitioner to the seized narcotic substances.

**44.** The criminal antecedents of the petitioner, as reflected on the status report, add weight to the prosecution's case on the question of grant of bail, because they indicate repetition or a pattern in alleged unlawful activity. The multiplicity of prior FIRs, some concerning Arms Act, 1959 offences and other criminal offences, is a matter that

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<sup>6</sup>Hereinafter “IPC”



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the Court must take into account in assessing the petitioner's risk profile and the likelihood of reoffending if released on bail.

### ***Conclusion***

**45.** Owing to the facts that a strong *prima facie* case stands against the petitioner and his criminal antecedents, this Court is not inclined to enlarge the petitioner on regular bail.

**46.** Accordingly, this Court finds no merit in the petitioner's plea for regular bail. The application is therefore dismissed. Pending application(s), if any, stands disposed of.

**47.** The observations made herein are confined to the record before this Court and are for the limited purpose of deciding the bail application. They are not to be construed as any determination on the merits of the case.

**48.** The judgment be uploaded on the website forthwith.

**AJAY DIGPAUL, J.**

**DECEMBER 06, 2025/AS/ryp**