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

Reserved on: 07.11.2025
Date of Decision: 13.11.2025

+ CRL.REV.P.(NDPS) 5/2025
NARCOTICS CONTROL BUREAUPetitioner
Through: Ms. Shelly Dixit and Mr. Krish,
Advs.

versus

JASHANPREET SINGHRespondent
Through: Mr. Sumit Sharma, Adv. along
with the respondent in person

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The present criminal revision under Section 438 and Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (old Section 397 and Section 401 of the Code of Criminal Procedure, 1973²) arises from SC No. 119/2024 pending before the Court of the learned Additional Sessions Judge³/Special Judge (NDPS), Patiala House Courts, New Delhi. The Narcotics Control Bureau⁴ challenges the order dated 03.05.2025 whereby the learned Trial Court, upon the respondent/accused's application dated 28.01.2025, permitted him to travel abroad (Canada) to pursue his studies and, *inter alia*, directed that he may do so upon furnishing specified securities.

¹ Hereinafter "BNSS"

² Hereinafter "CrPC"

³ Hereinafter "ASJ"

⁴ Hereinafter "NCB"



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2. The prosecution case originates from a parcel intercepted on 30.09.2022 at DHL Express Pvt. Ltd., 71/3, Rama Road, New Delhi, bearing AWB No. 2187131892, destined for Canada. On inspection, the parcel was found to contain 148 grams of opium (intermediate quantity). The parcel bore the consignor details of Jaimal Singh, who is the father of the respondent, and was addressed to Kanwar Bhinder in Surrey, British Columbia, Canada. Photocopies of the consignor's Aadhaar and PAN cards were recovered. Upon inquiry, it was found that the parcel had been booked by the respondent Jashanpreet Singh in the name of his father using his Aadhaar/PAN. The record further notes multiple calls (about 10-15) made by the respondent to the courier regarding this parcel, including an e-affidavit dated 08.09.2022 and an email dated 09.09.2022 sent to the courier for return of the parcel.

3. As the investigation progressed, Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985⁵ notices were issued to the respondent, however he did not appear. Consequently, a Look Out Circular⁶ was issued on 25.10.2023. On 18.01.2024, the respondent was intercepted at Amritsar Airport while clearing immigration for Flight SG-55 to Dubai and was handed over to NCB. On 19.01.2024, a fresh notice under Section 67 was served and his voluntary statement was recorded, after which he was arrested after being informed of the grounds of arrest.

⁵ Hereinafter "NDPS Act"

⁶ Hereinafter "LOC"



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4. In March 2024, the complaint in the matter was filed before the Special Court (NDPS), Patiala House Courts. The proceedings thus commenced in SC No. 119/2024.

5. On 28.01.2025, the respondent moved an application for permission to travel abroad (Canada) to pursue an Advanced Diploma in Software Development, asserting that he is a student and regularly attending the case. The learned Trial Court heard the application and, by the impugned order dated 03.05.2025, allowed it after noting that the case concerns 148 grams of opium (intermediate quantity) and that the trial would likely take time. The Court also observed that the right to education is protected and recorded that the visa was valid till 30.09.2026 and that the admission stood verified. The permission was conditioned, *inter alia*, upon:

- i. the accused furnishing an FDR of ₹5,00,000/-;
- ii. his parents furnishing two unencumbered immovable properties in Punjab as security with a combined value not less than ₹8,00,00,000/-;
- iii. an undertaking by affidavit that, if he does not return to face trial, the FDR and properties shall stand forfeited; and
- iv. his appearance on every date via VC, with counsel physically present, and physical appearance as and when directed by the Court.

6. Soon thereafter, on 14.05.2025, the NCB filed an application before the learned Trial Court stating that the valuation report submitted for the surety properties was not from a government-authorised official and sought directions for the valuation to be



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verified by the Government Registrar. It further prayed that, until such verification was completed, the order dated 03.05.2025 be kept in abeyance. On the same day, the Trial Court directed that the respondent shall not leave India in the meantime, and called for filing of the valuation report, listing the matter on 17.05.2025.

7. Parallely, before this Court, the NCB instituted the present criminal revision, praying for setting aside of the 03.05.2025 order and for a stay of its operation. In its accompanying stay application under Section 528 of BNSS (old Section 482 of CrPC), the NCB states that the respondent is facing prosecution under Sections 8/18(c)/23 of the NDPS Act, that the case evidence against him is substantial, and that allowing him to travel abroad creates a serious risk that he will not return to face trial. The NCB also emphasizes that the Trial Court's order suspended the LOC issued against him, which further increases the possibility of his absconding.

8. On 19.05.2025, which was the first date of hearing before this Court, the matter was taken up and this Court deemed it appropriate to intervene at the interim stage and accordingly passed an order staying the operation of the impugned order dated 03.05.2025.

Submissions on behalf of the NCB

9. Mr. Arun Khatri, learned Senior Standing Counsel for the NCB/revisionist was not present and Ms. Shelly Dixit has argued on his behalf. She submits that the impugned order dated 03.05.2025 suffers from grave legal infirmity, inasmuch as the learned Trial Court failed to appreciate the respondent's antecedent conduct, the material collected during investigation, and the demonstrated risk of



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abscondence. It is argued that the respondent has sought permission to travel to Canada purportedly for pursuing an Advanced Diploma in Computing: Software Development at Focus College, yet the record reveals that the respondent has failed to establish any *bona fide* academic credentials justifying such foreign travel.

10. It is submitted that the respondent deliberately and consistently avoided the investigative process. The record establishes that five separate notices under Section 67 of the NDPS Act were issued on 25.04.2023, 19.05.2023, 22.06.2023, 19.07.2023, and 20.10.2023, all duly served at the respondent's residential address and acknowledged by his paternal uncle. Despite such repeated service, the respondent never appeared even once before the Investigating Officer⁷.

11. It is submitted that this sustained non-appearance, extending over several months, forms a crucial part of the respondent's conduct. The deliberate evasion recorded in the Investigation Reports and the IO's contemporaneous chronology clearly establishes the respondent's unwillingness to join investigation, thereby creating a well-founded apprehension of flight risk.

12. It is further submitted that owing to the respondent's persistent non-cooperation, the NCB was compelled to issue the LOC on 25.10.2023. The genuineness and necessity of the LOC is established from the fact that the respondent was intercepted at Amritsar International Airport on 18.01.2024, when he attempted to depart the country on Flight SG-55 to Dubai. He was detained solely because of the active LOC and thereafter handed over to NCB authorities.

⁷ Hereinafter "IO"



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13. Learned Counsel submits that these events completely negate the respondent's plea of *bona fides*. Instead, they demonstrate a clear intention to abscond, and the impugned order's direction to suspend the LOC exposes the prosecution to serious prejudice.

14. It is next contended that in his voluntary statement recorded under Section 67 of the NDPS Act, the respondent made a categorical admission that he concealed opium in the parcel and dispatched it abroad in expectation of visa sponsorship for Canada from the intended recipient. This admission is further reflected in the respondent's own bail applications, which repeatedly refer to such sponsorship.

15. It is submitted that this is not a routine narcotics case. The motive for the offence itself emanates from the respondent's desire to illegally secure foreign entry. When the commission of the offence is directly tied to the desire to go abroad, permitting foreign travel pending trial becomes inherently dangerous.

16. NCB submits that the college in Canada originally cancelled the respondent's admission on 23.04.2025 upon learning of his involvement in the NDPS case, and revived it just five days later, merely upon receipt of fees. The NCB points out that such cancellation and revival cast serious doubts on the genuineness and credibility of the alleged educational pursuit relied upon before the learned Trial Court.

17. Learned Counsel argues that the respondent has produced no educational transcripts, marksheets, certificates, or any academic record to demonstrate his preparedness or eligibility for an "Advanced



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Diploma” course in software development. In absence of even basic academic proof, the respondent’s reliance on foreign education is asserted to be a mere facade to obtain permission to leave India.

18. It is further submitted that similar computing/software-development diploma courses are readily available in India, and hence no compelling necessity exists for the respondent to travel to Canada.

19. It is further submitted that the respondent’s denial of having booked the parcel is wholly untenable in light of the material collected during investigation. It is pointed out that the booking was made using photocopies of the respondent’s father’s Aadhaar and PAN cards, which were furnished at the time of dispatch. The call detail records further reveal that the respondent made approximately 10–15 calls to the courier service in relation to the same parcel. Additionally, the respondent himself executed an e-affidavit dated 08.09.2022 and sent an email dated 09.09.2022 to the courier agency expressly seeking return of the parcel, thereby establishing his connection with it. These circumstances are further reinforced by the respondent’s own voluntary admissions recorded during the investigation.

20. Learned Counsel contends that in an NDPS prosecution, particularly involving cross-border export of narcotics, the risk of abscondence cannot be neutralised merely by depositing sureties or immovable property. The respondent’s conduct, including evading notices, triggering the LOC, and attempting to fly abroad, shows that no amount of monetary security can ensure his presence at trial. It is further submitted that offences under the NDPS Act have far-reaching societal impact, and the criminal process cannot be frustrated by



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permitting the accused to leave the country based on some financial assurances.

21. It is further submitted that the respondent has exhibited a pattern of concealment, which also extends to the stage of applying for his passport. Learned Counsel points out that, despite the pendency of criminal proceedings arising from the present NDPS case, the respondent made a false declaration in his passport application by not disclosing the existence of the present case, thereby suppressing material facts from the passport authority. This deliberate non-disclosure is not a mere technical lapse but a reflection of the respondent's intent to mislead authorities with respect to his ability to leave the country without scrutiny. This, it is submitted, further undermines his claim of *bona fide* conduct and reinforces the apprehension that, if allowed to travel abroad, he will not return to face the trial.

22. It is, therefore, contended that the learned Trial Court failed to appreciate (i) the respondent's persistent avoidance of investigation, (ii) the proven attempt to leave the country despite outstanding notices, (iii) the lack of *bona fide* academic basis, and (iv) the inherent risk of abscondence arising from the respondent's own admitted motive tied to foreign travel. The impugned order permitting foreign travel thus warrants interference.

Submissions on behalf of the respondent

23. Mr. Sumit Sharma, learned Counsel for the respondent supports the impugned order and submits that the permission granted by the learned Trial Court is just, reasoned and based on a



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comprehensive evaluation of all relevant circumstances. It is submitted that the respondent was already granted regular bail *vide* order dated 05.08.2024, and has complied with each condition imposed therein, including the deposit of his passport, marking attendance and keeping the IO informed of his address. The said bail order, annexed as “Annexure R-1” to the petition, constitutes an essential foundation for the respondent’s *bona fide* conduct.

24. It is further submitted that even Condition No. 5 of the bail order, which originally required monthly reporting to the NCB office, was subsequently modified by the learned Trial Court on 03.09.2024, permitting the respondent to mark attendance once every two months in the Amritsar Zone. The respondent has adhered to this modified requirement as well.

25. Learned Counsel submits that the respondent has complied with every direction issued by the Trial Court, including those contained in the impugned order dated 03.05.2025. It is submitted that in terms of compliance, an FDR of ₹5,00,000/- is secured, the deposit of original title deeds valued at ₹1,50,00,000/- belonging to two of his relatives are arranged, his complete residential address in Canada has been furnished, and an affidavit of undertaking filed which declares that, should he fail to return to India upon completion of his studies, both the FDR and the immovable properties shall stand forfeited. These conditions, it is argued, sufficiently safeguard and ensure his continued participation in the trial.

26. It is submitted that the respondent has already invested between ₹28,00,000/- to ₹30,00,000/- towards his higher education in Canada,



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including payment of the full tuition fee and the GIC (Guaranteed Investment Certificate). It is submitted that his educational programme commenced in March 2025, but owing to the stay imposed later by this Court, he has been unable to join his studies, thereby endangering his academic future.

27. Learned Counsel contends that the respondent has always acted *bona fide*. The allegation that he avoided notices under Section 67 of the NDPS Act is denied. It is submitted that the respondent was never personally served with any such notices, and that the fact that some notices may have been received by his relatives cannot be construed as a deliberate attempt to evade investigation. It is also pointed out that respondent has three prior international travels, each time returning to India voluntarily, which, according to him, demonstrates that he is not a flight risk.

28. The respondent categorically denies having booked the parcel forming the subject matter of the prosecution. It is reiterated that he has no connection whatsoever with the seized parcel, and all allegations to the contrary are incorrect. The respondent also disputes the voluntariness and admissibility of the statement attributed to him under Section 67 of the NDPS Act, asserting that the same was obtained under duress and coercion.

29. With respect to the verification of sureties and documents, learned Counsel submits that NCB has raised objections only now, despite the fact that verification was duly conducted through the Tehsildar and Patwari, and no complaint or objection was raised before the learned Trial Court at any stage. It is therefore argued that



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the present revision petition is an afterthought, motivated solely to obstruct the respondent's educational pursuits.

30. Learned Counsel further submits that the respondent has already undergone almost seven months of custody, despite the fact that the present case involves an intermediate quantity, and therefore the rigours of Section 37 of the NDPS Act are not attracted. This, it is urged, further reflects his compliance and supports his plea for permission to pursue his studies abroad.

31. It is submitted that the respondent had enrolled for the Canadian study programme in 2024, and that the batch commenced in March 2025, but due to the stay imposed, he has been unable to begin his studies. Additionally, the programme requires specialised training essential for securing his future. The respondent's documents, including admission letters, fee receipts and related materials, were duly verified by the revisionist itself, and no doubt was raised at the relevant time.

32. Finally, it is argued that no specific grounds have been made out by the revisionist to challenge the impugned order. The respondent asserts that the present revision has been filed merely to delay his studies and subject him to unnecessary hardship. The respondent emphasises that if he is unable to join his course, he will suffer irreparable loss, having already paid the entire fee and secured the requisite documentation.

33. To assert this point, learned Counsel places reliance on the decision of the Hon'ble Supreme Court in **Satish Chandra Verma v.**



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***Union of India*⁸**, to contend that the right to travel abroad forms an integral part of personal liberty guaranteed under Article 21 of the Constitution of India. It is submitted that the Supreme Court, while drawing upon the principles in ***Maneka Gandhi v. Union of India*⁹**, recognised travel abroad as an important human right, central to the individual's personal development and life experiences.

34. The respondent further relies on the decisions of this Court in ***Aman Jain v. Customs*¹⁰** and ***Parvin Juneja v. Directorate of Enforcement*¹¹**, that denial of passport release in the absence of concrete material indicating that the accused would hamper investigation cannot be sustained, especially when the accused seeks to travel for educational purposes. Relying on these precedents, learned Counsel submits that the respondent's intention to pursue an academic programme in Canada is legitimate, that he has complied with all bail conditions thus far, and that he should similarly be permitted to avail the educational opportunity without unwarranted restrictions.

Analysis

35. This Court has carefully considered the rival submissions advanced on behalf of both the parties and has also perused the material placed on record. The question before this Court is confined to whether the permission granted to the respondent to travel abroad till 30.09.2026 can be sustained in the facts of the case.

⁸ *Civil Appeal No. 3802/2019*

⁹ *(1978) 1 SCC 248*

¹⁰ *CRL.REV.P. 854/2022*

¹¹ *CRL.M.C. 5143/2023*



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36. The first aspect that necessarily arises for consideration is the respondent's conduct during the course of investigation. The record clearly reflects that five notices under Section 67 of the NDPS Act were issued to the respondent on 25.04.2023, 19.05.2023, 22.06.2023, 19.07.2023 and 20.10.2023, all duly served at his residential address and acknowledged by his paternal uncle. Yet, despite being afforded repeated opportunities, the respondent did not appear before the IO at any point. The explanation offered that service on the uncle cannot be treated as service on the respondent is neither convincing nor supported by any material. These notices were delivered at the very address furnished by his family, and persistent non-appearance over several months cannot be regarded as anything other than conscious avoidance. Such conduct amounts to non-cooperation with the investigative process and carries substantial weight when assessing the risk of abscondence.

37. That apprehension is further reinforced by the fact that, due to this non-appearance, an LOC had to be issued on 25.10.2023, and the respondent was eventually intercepted at the Amritsar Airport on 18.01.2024 while attempting to leave the country. His arrest at that stage occurred solely because the LOC was active. This sequence of events shows that the respondent did not voluntarily join the investigation at any time prior to arrest and substantiates the NCB's concerns regarding his likelihood of evading proceedings if permitted to travel abroad now.

38. Once the respondent's conduct during investigation is viewed in this light, the second aspect that the *bona fides* of his claimed educational need to travel abroad is to be considered. The material on



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record shows that the respondent secured admission to an Advanced Diploma in Computing: Software Development at Focus College, Canada, during the pendency of the trial. His decision to pursue this diploma course in Canada came after five notices under Section 67 of the NDPS Act were served upon him, all during 2023, to which no response was ever made. It is only in 2024, after this sustained non-cooperation, that the respondent enrolled himself for the course. The respondent was fully aware that foreign travel for education required the Court's approval, yet no such disclosure or request was made. This conduct raises serious doubts regarding the *bona fides* of the respondent's intent behind seeking permission to travel abroad.

39. This omission raises concerns, especially when coupled with the fact that the college cancelled his admission on 23.04.2025 and revived it within merely five days upon payment of fees, without any additional evaluation, as highlighted by the NCB. Although the authenticity of the documents of the college admission is not questioned, the timing and manner of this cancellation and revival cast doubt upon the indispensability of the programme.

40. Furthermore, the course in question is a diploma programme and there is nothing in the material before this Court to show that similar diploma in computer software development is not available in India. Institutes across the country offer equivalent courses, and the respondent has not shown any unique academic requirement or necessity that would mandate pursuing this particular diploma specifically in Canada. This Court does not hold that the admission is not genuine or that pursuing education abroad is impermissible for an accused. Courts have, in appropriate situations, permitted foreign



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travel even during pending criminal proceedings. However, the right to education does not translate into a right to pursue that education in a foreign country while facing prosecution under the NDPS Act, particularly when the same course can be pursued in India without jeopardising the administration of criminal justice. The observation of the learned Trial Court in the impugned order that “*study for better future is a right guaranteed under Constitution of India*” is correct, but such rights must be balanced with broader public interest and the integrity of the criminal process.

41. The reliance placed by learned Counsel for the respondent on ***Aman Jain (Supra)*** and ***Pravin Juneja (Supra)*** does not advance the respondent’s case. The facts in those decisions, as well as the considerations that weighed with the Courts therein, bear no resemblance to the circumstances presently before this Court. At no point has this Court held that the respondent cannot pursue his education; the issue is confined to whether there exists any compelling or indispensable necessity for undertaking a diploma-level course specifically in Canada, particularly when similar programmes are available in India. For the same reasons, the judgment in ***Satish Chandra Verma (Supra)***, which affirms the importance of the right to travel abroad, is also distinguishable. While the right to travel is undoubtedly a constitutionally recognised facet of personal liberty, its exercise in a pending criminal prosecution, without any urgent or unavoidable purpose abroad, is to be examined with heightened caution. In the present case, the respondent has not demonstrated such compelling necessity so as to warrant departure from this approach.



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42. The safeguards imposed by the learned Trial Court, including furnishing an FDR of ₹5,00,000/-, depositing immovable property worth ₹1,50,00,000/-, providing the Canadian residential address, undertaking appearance through video conferencing and filing an affidavit concerning forfeiture, have been considered. While the conditions may appear substantial, they cannot overshadow the respondent's demonstrated conduct. Monetary securities cannot adequately mitigate the risk of flight where an accused has previously evaded the investigating agency despite multiple notices, was subject to an LOC, and was intercepted while leaving the country. In cases involving cross-border elements, financial guarantees often fall short of ensuring continued participation in the trial.

43. The impugned order also directed suspension of the LOC. This direction was not justified, given the respondent's conduct prior to arrest. The LOC was issued precisely because there existed a reasonable apprehension that the respondent may leave the country, and the events at Amritsar Airport validate that apprehension. Suspending the LOC without addressing the underlying conduct was inconsistent with the facts of the case.

44. Having considered all aspects of the matter, this Court is of the view that the permission granted to the respondent to travel abroad till 30.09.2026 cannot be sustained. The decisive factors include the respondent's consistent non-compliance with five investigation notices, the issuance and invocation of the LOC, the timing of the foreign admission during trial, the nature of the course being only a diploma, the cancellation and quick revival of admission, and the absence of any demonstrated necessity to pursue the same in Canada.



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Taken together, these considerations outweigh the respondent's plea of educational necessity.

45. Before concluding, this Court reiterates that it refrains from expressing any view on the merits of the pending criminal trial. The observations herein are confined solely to the limited question of foreign travel permission and shall not influence the trial in any manner.

Conclusion

46. For the aforesaid reasons, the present criminal revision petition is allowed. The impugned order dated 03.05.2025 passed by the learned ASJ/Special Judge (NDPS), Patiala House Courts, New Delhi, permitting the respondent to travel abroad, is hereby set aside.

47. Nothing stated in this judgment shall be construed as an expression of opinion on the merits of the case, which shall proceed strictly in accordance with law.

48. The petition stands allowed and disposed of in the above terms.

49. Pending application(s), if any, stand disposed of.

50. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

NOVEMBER 13, 2025

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