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

Reserved on: 26.08.2025
Date of Decision: 22.09.2025

+ BAIL APPLN. 515/2025

LEISHANGTHEM I LOYANGAMBAPetitioner
Through: Mr. R. A. Worso Zimik,
Mr. Yurngam A. Shimray, Mr. Yaorei
Horam and Mr. Augustine Ravi Tirkey,
Adv.

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Ms. Meenakshi Dahiya, APP
for State

+ BAIL APPLN. 699/2025

RANBIR SINGHPetitioner
Through: Mr. R. A. Worso Zimik,
Mr. Yurngam A. Shimray, Mr. Yaorei
Horam and Mr. Augustine Ravi Tirkey,
Adv.

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Ms. Meenakshi Dahiya, APP
for State

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The present bail petitions have been filed under Section 483 read with Section 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023, seeking grant of regular bail in connection with FIR no. 43/2023 registered at Police Station Special Cell, under Sections 18/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985¹.
2. As per the data contained within the chargesheet on record, secret information had been received that on 13.02.2023 that within the next 4-5 days, heroin was going to be brought from Imphal to Delhi and then taken to Punjab in a Brezza car. On 17.02.2023, raiding party members positioned themselves near Sarita Vihar, New Delhi, and at approximately 3.25 pm, a white Brezza with registration number AS 01 DR 9488 was seen turning from MB Road towards Sarita Vihar. After taking the turn, the car pulled over to the side of the road around 10-15 metres ahead, and the intercepting team recorded that it appeared as if the passengers in the car were waiting for someone.
3. A few minutes after this, a person exited the car from the driver's seat and was seen carrying a black and red coloured bag with "Elaichi" written on it. This person stood 20 steps away from the car, on the footpath, as if waiting for someone. A while later, due to possible suspicion of being under surveillance, this person began walking swiftly towards the car. Upon a signal being received, raiding party members apprehended this person. At that point, the other person who was still seated in the car with a similar bag having a "HP" logo on it attempted to exit the vehicle and flee. He too was

¹ Hereinafter "NDPS"



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apprehended by raiding party members. It came to be known that the driver was the petitioner in Bail App 699/2025, Mr. Ranbir Singh, and the person in the passenger seat of the car was the petitioner in Bail App 515/2025, Mr. Leishangthem I. Loyangamba.²

4. After this, a raiding party member holding the rank of Sub-Inspector informed them of their rights under Section 50 of the Act, to which both individuals refused an opportunity to be searched by a gazetted officer / magistrate and conveyed such refusal in writing. On searching, two polythene covers containing a chocolate-coloured substance were recovered from the bag carried by the driver. A field test revealed the same to contain opium (*afeem*) and each polythene bag was found to weigh 5 kgs. Next, the bag carried by Loyangamba was searched and found to contain the same contents.

5. Upon searching the vehicle in which the petitioners were travelling, four polythene bags containing the same chocolate coloured substance was recovered. The contents of these bags also tested positive for the presence of opium, with each of them being found to weigh 5 kgs. Further search of the vehicle revealed 10 more such polythene covers weighing 1kg each, bringing the weight of the total recovered quantity of contraband from the car to 30kgs.

6. After their arrest during the early hours of 18.02.2023 and the registration of the subject FIR, Ranbir disclosed that they had procured the illegal opium along with the Brezza car from one Mr. Kawaldeep Singh @ Chotu Sardar, who is Ranbir's brother. Ranbir also disclosed that he and Loyangamba delivered 21kg of opium to

² Hereinafter "Loyangamba and Ranbir"



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Jagdeep @ Jaggu on 29.12.2022. The petitioners were then produced in Court where PC remand of 6 days was granted. During remand, Ranbir disclosed that he intended to supply 30kgs out of the recovered 50kgs of opium to one Mr. Jagdeep @ Jaggu.

7. Application under Section 52 of the NDPS Act was moved on 21.02.2023, and date for drawing of samples was fixed as 15.03.2023. On this date, 36 samples were drawn, weighed, and photographed. On 17.03.2023, the exhibits were deposited in FSL Rohini for examination.

8. Ranbir approached the learned ASJ / Special Judge / NDPS, Patiala House Courts, New Delhi, seeking hearing of his application under Section 91 of the Code of Criminal procedure, 1973. The learned ASJ issued directions for preservation of relevant CCTV footage, the locations of raiding party members on 15.02.2023 and 18.02.2023, along with the CDRs of Loyangamba and Ranbir *vide* order dated 11.08.2023.

9. Loyangamba and Ranbir approached the Court of the learned ASJ/Special Judge/NDPS, Patiala House Courts, New Delhi, seeking grant of regular bail. The learned ASJ observed that there was a recovery of 10kg of contraband each, from Loyangamba and Ranbir, with another 30kg recovered from the car in which they were travelling. The learned ASJ distinguished the circumstances owing to which bail was granted to co-accused Jagdeep Singh *vide* order of the Hon'ble Supreme Court dated 24.09.2024 on the grounds that no recovery was effected from Jagdeep Singh. In consideration of the attraction of the bar under Section 37 of the NDPS Act owing to the



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commercial quantity of contraband recovered, their bail applications were dismissed by the learned ASJ *vide* separate orders dated 14.01.2025.

10. Learned Counsel appearing on behalf of the petitioners, Mr. R.A. Worso Zimik, submits that the petitioners were framed. He contends that the petitioners had actually been arrested a day prior to the date of arrest stated in the chargesheet by plainclothes officers with whom the petitioners have also shared a meal together, and that the arrest was not made in Sarita Vihar but outside Delhi. He points out that the non-recovery of mobile phones from the petitioners casts a shadow of doubt on the nature of arrest. On a query by the Court as to the purpose of the petitioners' visit, Mr. Zimik states that the petitioners were travelling from Imphal to Delhi to receive medical treatment for certain ailments, and thereafter to Punjab to meet their relatives.

11. Mr. Zimik draws reference to the CCTV footage capturing the presence of a Scorpio car in which plain clothes officers were allegedly following the petitioners' vehicle, with the car being seen on a different lane of the same toll plaza 10 minutes after the Brezza car was seen in the footage. He submits that this knowledge of the car and its number plate is proof of his narration involving the petitioners having been abducted by plain clothes officers and the recovered contraband being planted upon them.

12. Furthermore, he argues that though the information was received at least 4 days prior to the incident, no video or photo evidence of the search and seizure was recorded. Lastly, he points out



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that the petitioners have been in judicial custody from 18.02.2023 while charges are yet to be framed and this is indicative of the protracted nature of trial. He also submits that the petitioners have no criminal antecedents, and that Ranbir suffers from chronic diabetes and has been released on interim bail for medical purposes on three occasions.

13. With respect to the current stage of trial, Mr. Zimik informs the Court that there are 41 witnesses to be examined, of which not a single one is an independent witness, and that the matter is currently listed for orders on charge. He concludes his submissions by stating that Section 50 of the Act has not been complied with during the search of the petitioners.

14. Learned APPs for the State, Ms. Meenakshi Dahiya and Mr. Satish Kumar, oppose the grant of bail to the petitioners. They submit that the quantity recovered is significantly larger than the threshold for commercial quantities of heroin and opium, and that the petitioners have not satisfied the twin conditions within Section 37(b) of the NDPS Act.

15. Relying on the contents of the status report, learned APPs submit that the petitioners are a part of a larger narcotic distribution network which is visible in through their CDRs. Their custodial interrogation revealed earlier deliveries of opium having been carried out in the past, indicating that the petitioners are likely to repeat such offences if they are enlarged on bail.

16. It is contended that the CCTV footage of the Scorpio car in which plain clothes officers were travelling has no relation to the



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present case, and that they were departing for an outstation visit to Bihar, Bengal, and Jharkhand for investigation in another case (DD 135A dated 15.02.2023) and that they returned from the outstation duty as per DD no. 98A dated 22.02.2023.

17. Reference is also made to relevant portions of the status report and supplementary chargesheet to show that one of the co-accused, Kanwarbir Singh, who had been granted bail due to no recovery having been effected from him, was arrested at Terminal 3 of Delhi's IGI Airport during his attempt to flee the country.

18. Heard learned Counsel and perused the record.

19. Before ascertaining whether the twin conditions of Section 37(b) of the NDPS Act stand satisfied in the present case, owing to the recovered quantities being manifold larger than the minimum threshold to be classified as commercial quantities, this Court deems it appropriate to address Mr. Zimik's preliminary objections regarding conformity with the procedure laid down in the Act with respect to arrest, search, and seizure.

20. Arguments on parity of the petitioners with co-accused Jagdeep Singh @ Jaggu and Kanwarbir Singh who have been granted bail will not be addressed, as Mr. Zimik submits that he will not be pressing the same, in response to a query by the Court as to how parity can be sought when no recovery had been effected from Jagdeep Singh and Kanwarbir Singh.

21. With respect to compliance with relevant provisions of the Act during search and seizure, this Court deems it appropriate to peruse the contents of the chargesheet on record, the opening paragraph of



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which states that SI Nishant Suran received secret information on 13.02.2023 regarding the suspicion of heroin being transported from Imphal to Delhi , and that such information was forwarded in writing to the ACP Special Cell/SR, wherefrom authorisation to develop the secret information was received to the extent of raiding, search, and seizure. This information stands recorded in DD no. 13 dated 13.02.2023. Furthermore, search and seizure of the petitioners was conducted by SI Nishant Suran himself, who handed the petitioners over to the Investigating Officer, SI Navdeep, at around 3.00 am on 18.02.2023, and SI Navdeep arrested them on the spot.

22. Under Section 42(1) of the Act, only officers who are superior to the ranks of peon/constable/sepoy are authorised to conduct search, seizure, and arrest. Therefore, procedure for arrest, search, and seizure, as detailed under Section 42 of the Act, stands satisfied *prima facie* to the extent that such authorisation to arrest, search, and seize was granted by the ACP, Special Cell, and that the acts of arrest, search, and seizure, were performed by SIs Nishant Suran and Navdeep.

23. As to the averments that compliance under Section 50 of the Act is lacking, a perusal of the chargesheet reveals that Ranbir was duly informed of his rights under Section 50 in Hindi, while the same was conveyed to Loyangamba in English, to which both of them refused such right to be searched before a magistrate / gazetted officer and communicated such refusal in writing on the carbon copy of their Notice under Section 50, with the carbon copy of Loyangamba's notice recording such refusal in English along with his signature,



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while that of Ranbir's recording such refusal in Hindi and accompanied by his signature. Therefore, the petitioners' arrest, search, and seizure, appear to be *prima facie* compliant with Sections 42 and 50 of the Act.

24. Addressing Mr. Zimik's submissions to the extent of the alleged planting of contraband and framing of the petitioners – the data on record does not indicate, *prima facie*, to any infirmities in the search, seizure, or arrest of the petitioners, which may supplement such claims of a conspiracy to implicate the petitioners.

25. The claim that the petitioner's knowledge of the Scorpio car's license plate number prior to the production of CCTV footage of the car's presence at the toll plaza is indicative of a conspiracy leading to their arrest can only be adjudicated through thorough scrutiny of the evidence on record, as held by a coordinate bench of this Court in *Mahender Singh v. State (NCT of Delhi)*³ during its adjudication of a bail matter where submissions were advanced regarding the alleged planting of contraband on the accused.

26. In fact, a noting of the names of the raiding party members from the chargesheet and correlation with the status report reveals that the name of Inspector Karamvir, the one who had departed on an investigation in the said Scorpio car, as per DD 135A dated 15.02.2023, is not a member of the raiding party which apprehended the petitioners.

27. Arriving now at the heart of the present determination, the twin conditions enshrined within Section 37 (b) of the Act mandate that

³ 2024 SCC OnLine Del 6828



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firstly, that the prosecution must be given an opportunity to oppose the grant of bail, and that *secondly*, the Court must be satisfied that there are *reasonable grounds* to believe that the accused did not commit the offence in question, and that the accused is unlikely to commit other crimes after being enlarged on bail.

28. The threshold for “*reasonable grounds*” has been laid down by the Hon’ble Supreme Court in a catena of decisions to mean “more than *prima facie*”. Mere averments that the case against the petitioners is false and fabricated due to contraband being planted on them do not make out reasonable grounds to believe their innocence. In fact, the petitioners’ attempt to prove these allegations by relying on their prior knowledge of the Scorpio car’s license plate number coupled with the non-recovery of their mobile phones fails to persuade the Court of their innocence. Rather than being proof, these statements are additional averments whose veracity ought to be tested at the stage of trial.

29. Additionally, the latter portion of the second condition enshrined within Section 37 (b) of the Act also requires a Court to be satisfied that the accused is *not likely to commit any offence while being enlarged on bail*. As per the chargesheet, the CDR’s of the petitioners reveal frequent calls between all those alleged to have been involved in the network of procuring and distributing contraband. Furthermore, the petitioners’ own disclosure statements are indicative of past transactions involving the distribution of contraband. While it is trite that an accused’s disclosure cannot be *per se* incriminatory, it may form a part of the entire factum of data to be considered in the



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determination of whether the twin conditions within Section 37(b) of the Act stand satisfied.

30. Therefore, satisfaction of the second condition enshrined within Section 37(b) of the NDPS Act stands incomplete with respect to the present set of facts and submissions.

31. This Court notes that the petitioners herein were found in possession of 50 kgs of contraband. Commercial quantities under the NDPS Act for heroin and opium are 250 gm and 2.5 kg respectively. CDRs of the petitioners reveal sufficient cause to assume their association with other individuals involved in the sale / distribution of heroin and opium across the country, and their disclosure statements indicate their own past participation in such illicit activities.

32. On the argument of protracted trial being a ground for bail, the Hon'ble Supreme Court has often granted bail where the quantum of delay in trial is considerable in the face of maximum punishment awardable with respect to a particular offence.

33. In the decision of *Supreme Court Legal Aid Committee (Representing Undertrial Prisoners) vs. UOI*⁴, a general principle was laid down that where a Court observes that the period of detention exceeds half of the maximum sentence prescribed for the offence, a grant of bail would be in order, as any further deprivation of personal liberty on account of pendency of trial proceedings would be violative of Article 21 of the Constitution.

34. The petitioners have spent around 2 years in custody, while the punishment stipulated under Section 18 of the NDPS Act

⁴ (1994) 6 SCC 731



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contemplates a sentence period of 10-20 years. Though the trial is currently at the stage of orders on charge, no argument is made out for grant of bail on the grounds of the trial being delayed or protracted.

35. Owing to the aforesaid discussion, this Court does not deem it fit to enlarge the petitioners on bail.

36. A request is made to the learned Trial Court concerned to ensure the timely progression of the petitioners' trials, and to discourage adjournments sought on behalf of the state.

37. No observations by this Court shall prejudice the learned Trial Court in its eventual determination of the petitioner's innocence / guilt.

38. The present petitions stand disposed of.

AJAY DIGPAUL, J.

SEPTEMBER 22, 2025/gs/av