



2025:DHC:9813



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 07<sup>th</sup> November, 2025***+ **BAIL APPLN. 2630/2025, CRL.M.A. 20538/2025****NAYAN RASIK BHAI GADHASERIA**

S/o Rasik Bhai Gadhesaria

.....Petitioner

Through: Mr. Swarandeeep Singh, Advocate

versus

**NARCOTICS CONTROL BUREAU**

.....Respondent

Through: Mr. Arun Khatri, Sr. Standing  
Counsel**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. First Bail Application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed on behalf of the Applicant, Nayan Rasikbhai Gadhas, seeking Regular Bail in Case No. VIII/26/DZU/2024, registered under Sections 8(c), 22(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*hereinafter referred to as the "NDPS Act"*) at NCB, Delhi Zonal Unit.

2. ***Briefly stated***, on 23.07.2024, a secret information was received, pursuant to which the Respondent seized 7,97,400 *Alprazolam* tablets (commercial quantity/psychotropic substance) from ten carton boxes bearing AWB No. D02350865 at DTDC Express Pvt. Ltd., Khasra No. 6/16, Telephone Exchange Road, Samalkha, New Delhi. As per the documents



*Berkeley Agencies, Saraswati Vihar, Dehradun, Uttarakhand* was the sender and *Ajay Pandey, GHVH+M87, Mahipalpur, Rangpuri Road, K-Block, Mahipalpur, Delhi-110037*, Phone No. 9967399895 as the receiver.

3. During the investigation, it was revealed that the receiver was not present in Delhi and had arranged for delivery through a porter from DTDC, Samalkha, to Anjani Courier, Mahipalpur, New Delhi. It further emerged that the co-accused Ajay @ Amar Thakur based in Mumbai, was managing the said delivery through the porter booked online. The porter, Rakesh Kumar, collected the parcels from DTDC, Samalkha. Inquiry revealed that the co-accused Ajay @ Amar Thakur made inquiries from DTDC staff, the Porter Driver, and Anjani Courier staff using mobile number 9967399895, and also contacted Rajesh Kumar, Anjani Courier staff on mobile number 9004286391. These facts were corroborated through CDRs, statements of the accused, courier staff, and the Porter. Both mobile numbers were found to be located in Mumbai.

4. On 27.07.2024, the co-accused Amar Thakur was apprehended in Mumbai. A Notice under Section 67 of the NDPS Act was served upon him to join the investigation, pursuant to which he appeared before the NCB, Mumbai Zonal Unit Office, and was arrested on 28.07.2024.

5. The investigation thereafter, focused on the sender of the parcels. The NCB Delhi Zonal Unit team searched the premises of *Berkeley Agency, Dehradun*, but no incriminating items were found. A female staff member present at the premises, stated that she worked for one Bharat of Delhi and provided his contact number. The DTDC courier staff, whose statement was recorded under Section 67 NDPS Act, also identified the same Bharat as the person who had booked the seized parcels.



6. On 10.08.2024, accused Bharat was apprehended from Rohtak. He disclosed that two more parcels containing medicines had been booked from Dehradun to Punjab, under his instructions. These parcels were intercepted at DTDC, Samalkha, New Delhi, on 11.08.2024, leading to the recovery of 27,360 *Tramadol capsules*.

7. He further disclosed that he used to procure medicines from *Varni Medical Agency, Surat, Gujarat*, using bogus Purchase Orders, and had created a fake Firm, *Viva Sales, Dehradun* in the name of *Shahil Kumar*, tempo driver, who assisted him in his illegal business. Co-accused *Shahil Kumar* was apprehended and arrested on 15.08.2024 after verification. The manufacturer confirmed that the seized Batch dated 23.07.2024 of *Alprazolam* was sold to *Varni Medical Agency, Surat*, owned by *Manish Himmat Bhai*, who joined the investigation and was arrested on 05.11.2024.

8. Examination of the mobile phone of co-accused Paras @ Bharat revealed WhatsApp chats showing that the receiver's address on the parcel had been sent by Nayan Rasik Bhai, and that the seized NRx medicines were to be delivered in Delhi. Nayan Rasik Bhai Gdhesaria was arrested in Crime No. 06/2024 by the Mumbai Zonal Unit and was arrested on 18.12.2024.

9. The Applicant submits that he was arrested on 18.12.2014 and since then, is in the judicial custody. The Charge-Sheet has been filed, but charges are yet to be framed. His earlier regular Bail Application was dismissed by the Ld. ASJ *vide* order dated 23.05.2025.

10. It is submitted that the only material linking the Applicant with the recovery of the alleged contraband, is the uncorroborated disclosure statement of the co-accused *Aman Thakur* and the alleged WhatsApp conversations. The Applicant is the proprietor of *Nishal Pharmaceuticals*; a



duly licensed and registered pharmaceutical business engaged in the lawful trade of medicines in compliance with regulatory norms. The alleged association of the Applicant with co-accused Manish Himmatbhai (Vani Medical Agency) and Paras @ Bharat (Viva Sales, Dehradun) is based solely on disclosure statements of the co-accused. No seizure has been effected from the Applicant.

11. It is submitted that the prosecution has relied on certain WhatsApp messages allegedly exchanged between the Applicant and co-accused Aman Thakur. Even if assumed to be genuine, the chats merely reflect a general inquiry regarding the availability of *Nitrazepam* tablets. There is no mention of any specific quantity, order, shipment details, or payment instructions. It is further submitted that the alleged chats were not recovered from the Applicant's device.

12. It is further submitted that reliance on the statement recorded under Section 67 of the *NDPS Act* is misplaced, as in *Tofan Singh v. State of Tamil Nadu*, (2020) 9 SCC 1, the Apex Court has held that such statements cannot be treated as substantive evidence. It is a settled legal position that a disclosure statement, in the absence of recovery or corroboration, has no evidentiary value.

13. It is further submitted that though the Applicant was earlier arrested by NCB, Mumbai, in another case, there is no conclusive material establishing his involvement beyond disclosure statements even in that case also.

14. In the present case, no CDRs, financial transactions, independent witnesses, or forensic material have been produced to directly connect the Applicant with the alleged offence.



15. The Applicant is a law-abiding citizen with no previous criminal record. The investigation in the present case is complete, and the charge-sheet has been filed.

16. ***Accordingly, a prayer is made that the Applicant be enlarged on Bail.***

17. ***Status Report has been filed today in the Court. Let the same be taken on record.*** The facts relating to the present case have been detailed. It is submitted that the on 30.07.2024, co-accused, Amar Thakur appeared before the Investigating Officer and tendered his statement. Upon being questioned about mobile number 9723286878, which was saved in his Samsung mobile phone under the name Nayan Rasikbhai Gadhesaria, the Applicant stated that Nayan Gadhesaria, a resident of Surat, Gujarat, was involved with him in the illegal trade of medicines, though he had never met him personally. He further disclosed that he used to send money to Nayan Gadhesaria through *hawala* channels, and in turn, accused Nayan Gadhesaria would make cash payments to other Medical Firms.

18. It is further submitted that upon being questioned regarding the WhatsApp chat dated 24.07.2024 with the present Applicant, it was informed that the Applicant had told him that *Nitra @ Nitrazepam* was ready. However, the co-accused responded saying, “Wait, let me arrange new number,” to which the Applicant replied, “Ok.” It is further stated that the co-accused Aman Thakur sent a photograph of *Tramadol Hydrochloride* to the Applicant, expressing his requirement for the same.

19. It is further submitted that the co-accused Paras disclosed that one *Nayan Bhai* operates a medical shop and is engaged in the illegal trade of medicines. He further stated that the seized capsules were supplied to him by



the present Applicant without any supporting bills.

20. Another co-accused, *Manish Himmatbhai*, appeared and informed that he had contacted the present Applicant, who in turn had established contact with the co-accused Paras.

21. It is further submitted that since the present Applicant had already been arrested in another case, production warrants were issued and served upon him at Arthur Road Jail, Mumbai. On 17.12.2024, the Applicant was formally handed over by the Mumbai Central Prison authorities to the present Investigating Officer.

22. On 18.12.2024, a Notice under Section 67 of the NDPS Act was issued to the Applicant, directing him to record his statement. In his statement, the Applicant admitted that he had earlier been arrested by NCB, Mumbai, in Crime No. 06/2024 dated 21.08.2024 concerning the business of *NRX medicines*, and was lodged at Arthur Road Jail, Mumbai. He disclosed his family details and admitted that he was involved in the business of NRX medicines along with co-accused *Manish Himmatbhai and Aman Thakur*, amongst others. He further stated that the seized NRX medicine, *Alprazolam*, recovered by NCB, Delhi, from the parcel dated 23.07.2024, was sent by him to his business partner, Paras @ Bharat (Viva Sales & Barclay Agency, Dehradun), through WhatsApp. He further admitted that Paras @ Bharat had booked the said parcel containing *Alprazolam* tablets at his direction and that after completion of the transaction, he deleted the WhatsApp chats.

23. It is further submitted that the bank account statement of the Applicant revealed frequent monetary transactions. During investigation, the mobile phones of the co-accused were sent for forensic analysis, which



revealed several incriminating chats. One such conversation dated 24.07.2024 disclosed that the details of the NCB vehicle bearing registration number *DL12CS8830* were shared by co-accused *Aman Thakur* with the present Applicant. It is noteworthy that the said vehicle was used by the NCB during the seizure operation conducted on 23.07.2024. Further, WhatsApp exchanges between co-accused *Paras* and the Applicant were also recovered, in which details regarding various medicines were discussed and shared.

24. It is submitted that the Charge-Sheet in the present case has been filed and charges have been framed against all the accused persons. Since the contraband seized in the present case constitutes a *commercial quantity*, the rigours of Section 37 of the NDPS Act are clearly attracted.

25. Accordingly, it is prayed that the present Bail Application deserves to be dismissed.

**Submissions heard and record perused.**

26. On 23.07.2024, acting on secret information, the NCB, Delhi Zonal Unit, seized 7,97,400 *Alprazolam tablets* (commercial quantity) from ten carton boxes bearing AWB No. D02350865 at DTDC Express Pvt. Ltd., Samalkha, New Delhi. The consignment mentions *Berkeley Agencies, Dehradun* as the sender and *Ajay Pandey, Mahipalpur, New Delhi* as the receiver, with contact number 9967399895.

27. During investigation, it was revealed that the receiver was not present in Delhi and had arranged for collection through an online porter service. The investigation indicated that co-accused, *Aman Thakur*, based in Mumbai, was coordinating the delivery, using mobile numbers 9967399895 and 9004286391, both traced to Mumbai.



28. Subsequently, co-accused Amar Thakur, Paras @ Bharat, Shahil Kumar, Manish Himmatbhai, and the present Applicant, Nayan Rasikbhai Gadhesaria were arrested for their alleged involvement in the illegal procurement and distribution of psychotropic substances through fictitious firms such as *Berkeley Agencies* and *Viva Sales*. The mobile data and WhatsApp chats recovered during investigation suggested that present Applicant Nayan Rasikbhai was in contact with co-accused Aman Thakur and was part of the same network.

29. For Bail under the provisions of the *NDPS Act*, Section 37 thereof imposes two mandatory conditions, commonly referred to as the “*twin tests*”, which must be satisfied before Bail can be granted. The Court must be satisfied that there exist *reasonable grounds for believing* that the accused is *not guilty* of the alleged offence and that he is *not likely to commit any offence* while on Bail. It is well settled that the standard of satisfaction under Section 37 is substantially higher than that applicable in ordinary criminal cases.

30. The *primary aspect requiring consideration* is the role attributed to the present Applicant, Nayan Rasikbhai in connection with the recovery of 7,97,400 *Alprazolam tablets* from the premises of *DTDC Express Pvt. Ltd., Samalkha, New Delhi*. It cannot be ignored that the name of the Applicant emerged from the disclosure of the co-accused. On the basis of the material relied upon by the Prosecution, it has emerged that the Applicant was in constant touch with the co-accused Amar Thakur, who on the basis of the record, emerged to be the person allegedly handling the delivery of the consignment.

31. Several WhatsApp conversations were recovered between the





Applicant and co-accused Aman Thakur, wherein they discussed various medicines. As alleged by the Prosecution, these exchanges indicate their involvement in the illegal trafficking of drugs. One interesting conversation pertains to the sharing of the vehicle number *DL12CS8830*, which was being used by the NCB for conducting search and seizure operations.

32. The said WhatsApp chats between the Applicant and co-accused Aman Thakur further support the Prosecution's case and prima facie suggest that the Applicant was in active coordination with others in the illegal trade of psychotropic substances. It is further relevant to note that the Applicant had also been arrested by the NCB in connection with another FIR, which prima facie indicates the likelihood of his involvement in similar offences if released on Bail.

33. The Applicant has contended that the Prosecution has solely relied upon the call detail records (CDRs) to implicate him in the alleged offence. It has been urged that the existence of CDRs showing communication between co-accused persons, without other corroborative material, cannot justify the denial of bail.

34. Reliance has been placed on the decisions of the Apex Court in *State (by NCB) Bengaluru v. Pallulabid Ahmad Arimutta*, (2022) 12 SCC 633, and of this Court in *Tushar Agarwal v. State (NCT of Delhi)* Bail Appln. 1194/2025 (decided on 08.10.2025) and the co-ordinate Bench of this Court in *Phundreimayum Yas Khan v. State (NCT of Delhi)*, 2023 SCC OnLine Del 135, and *Deepak Nagiya v. State (NCT of Delhi)*, 2023 SCC OnLine Del 5641, to contend that bail cannot be refused merely on the basis of CDRs reflecting contact between the accused persons.

35. However, the facts of the present case stand on a different footing.



Unlike the cases relied upon by the applicant, the material on record in the present case does not rest solely on the CDRs. The prosecution has also produced the statements of witnesses, WhatsApp chats between the applicant and co-accused, details of online booking of delivery services, and data retrieved from the applicant's mobile phone, all of which point towards his active participation in the illegal trafficking of psychotropic substances.

36. Another connected aspect in this regard is that the parcel was booked in the name of one Ajay Pandey, GHVH+M87, Mahipalpur, Rangpuri Road, K-Block, Mahipalpur, Delhi by the co-accused Nayan and the address was provided by Applicant Nayan RasikBhai. However, upon verification, the said address was found to be non-existent. The Prosecution has asserted that the applicant had provided a fictitious address in the name of Ajay Pandey, Mahipalpur, New Delhi, to co-accused Paras @ Bharat, who was operating through Berkeley Agencies and had facilitated the booking of the said parcel. The prosecution has further asserted that during investigation, it was revealed that the receiver of the said parcel was not present in Delhi and that the co-accused Amar Thakur had arranged to take delivery of the parcel through a porter from DTDC, Samalkha, for further delivery to Anjani Courier, Mahipalpur, New Delhi.

37. In light of the aforesaid material, the contention of the Applicant that there exists no prima facie evidence to show his involvement in the alleged offence is wholly untenable. The record indicates that the Applicant was actively managing the courier operations concerning the seized contraband, and was actively involved in providing fake addresses thereby prima facie suggesting his participation in an organized drug trafficking network.

38. Considering the nature and gravity of the offence, as well as the



degree of coordination displayed, it cannot be said that there is no likelihood of his committing a similar offence in future. The role of the Applicant, viewed in the context of the conspiracy and systematic coordination, cannot by any means be regarded as peripheral or minor.

39. The ***next contention*** raised is that the Applicant has been in Judicial Custody since 27.07.2024 and the trial is likely to take long, entitling the Applicant to Bail. While it is established from various judgments that delay in conclusion of trial is one of the grounds for Bail, here is a case where a huge recovery of 7,97,400 *tablets* of *Alprazolam* tablets was made.

40. The three Judge Bench of the Apex Court in *Narcotics Control Bureau v. Mohit Aggarwal*, (2022) 18 SCC 374, has observed that..*the length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the NDPS Act. Similarly, in Gurwinder Singh v. State of Punjab*, (2024) 5 SCC 403, the Apex Court has observed that mere delay in trial in grave offences cannot be used as a ground to grant Bail.

41. In *Gobarbhai Naranbhai Singala v. State of Gujarat*, (2008) 3 SCC 775, the Apex Court while relying upon *State of U.P. v. Amarmani Tripathi*, (2005) 8 SCC 21 has observed that long period of incarceration cannot itself be the ground for grant of Bail.

42. Considering the gravity of the offence, and that the charges are yet to be framed, it cannot be said that there is inordinate delay in the trial; rather it is proceeding at its pace.

43. It is clarified that the observations made herein are confined to the present Bail Application and shall have no bearing on the merits of the case.



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44. No grounds are made out for release on bail. The Bail Application is devoid of merit and is accordingly, dismissed.

**(NEENA BANSAL KRISHNA)**  
**JUDGE**

**NOVEMBER 7, 2025/R**