



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

% *Reserved on: 4th November, 2025*
Pronounced on: 7th November, 2025

+ **BAIL APPLN. 3255/2025**

AMAR THAKUR

S/o Shiv Kumar Thakur
 R/o Highland Garden, H2 Building,
 Flat No. 502, 5th Floor, PS Thane
 District Thane, Maharashtra, Mumbai

.....Petitioner

Through: Ms. Sushma Sharma, Advocate.

versus

NARCOTICS CONTROL BUREAU

Through Investigation Officer
 Delhi Zonal Unit
 West Block-1, Wing-VII, R.K. Puram
 New Delhi - 110066

.....Respondent

Through: Mr. Arun Khatri SSC, NCB Shelly
 Dixit, Ms. Anoushka Bhalla,
 Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. First Bail Application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed on behalf of the Applicant, Amar Thakur, 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 Applicant, 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 Applicant 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 Applicant 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*. 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.

7. 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.

8. The Applicant submits that he was arrested on 28.07.2024 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 08.08.2025.

9. The present Bail Application is filed on the **grounds** that the parcel in question was booked by *Berkeley Agencies, Dehradun*, with the consignee shown as *Ajay Pandey, Mahipalpur, Delhi - 110037*. However, the prosecution has failed to establish any connection of the petitioner with either the consignor or the consignee.

10. Though mobile number 9967399895 was mentioned on the parcel, the Prosecution has failed to connect the same with the Applicant, as it was neither recovered from him nor registered in his name.

11. As per the prosecution, mobile numbers 9967399895 and 9004286391 (the latter allegedly recovered from the petitioner) were traced to Mumbai. However, the Complaint does not specify any particular place or identifiable location in Mumbai. Such vague attribution, given the vastness of the city, is insufficient to link the petitioner to the alleged usage of these phones. The number 9004286391 stands registered in the name of *Abdul Syed Mohammad Chaudhary S/o Rashid Mohammad*, and the Applicant has no connection whatsoever with it.

12. The Prosecution has failed to establish any nexus between the Applicant and the registered subscriber. The Seizure Memo records that the alleged recovery was effected by SI *Sandeep Kumar* of NCB Delhi. The Applicant was served notice under Section 67 NDPS Act and voluntarily



appeared before the NCB Mumbai office, from where he was later arrested.

13. It is further alleged that the consignor used the email ID *ajaypanday1487@gmail.com* for communication with DTDC, yet the Prosecution has failed to link the Applicant with the said email ID.

14. The statement of co-accused Paras @ Bharat recorded on 22.08.2024 under Section 67 NDPS Act states that the seized *Alprazolam* tablets were given to him by Nayan Bhai and booked through DTDC, Dehradun. He further disclosed that the medicines were purchased from *Varni Medical Agency, Surat* in the name of *Viva Sales, Dehradun*, which he himself operated. Thus, even as per the Prosecution's own case, it is co-accused *Paras @ Bharat* who was the proprietor of *Berkeley Agencies* and *Viva Sales*.

15. Paragraph 67 of the Complaint records that a Notice was issued to the owner of *Varni Medical Agency*, who confirmed that the entire batch of *Alprazolam* (Batch No. 200524), corresponding to the alleged recovery, was purchased from *Aran Pharma, Gwalior* and sold to *Viva Sales, Dehradun*. Thus, it is co-accused Manish Bhai, owner of *Varni Medical Agency* and *Paras @ Bharat* owner of *Berkeley Agencies* who are the sender and consignor of the parcels in question.

16. It is alleged that the Applicant contacted a Porter, Rakesh Kumar through mobile number 9967399895 to collect the parcel from DTDC Samalkha. However, the Prosecution has failed to establish any connection between the Applicant and the said number. It is further alleged that Rajesh Kumar the Porter of *Anjani Courier, Mahipalpur* was contacted by the Applicant on mobile number 9004286391, yet no Call Detail Records



(CDRs) have been placed on record to substantiate the same. Only in the reply filed before the Ld. Trial Court, did the Prosecution claim that the Applicant contacted Rajesh Kumar on 23.06.2024 at 17:19:40 through IMEI No. 351824511804790.

17. It is further alleged that the Applicant contacted the Porter; however, no evidence has been produced to establish his presence in Delhi at any relevant time. As per the prosecution, certain WhatsApp chats and photographs showing tablet boxes were recovered from his phone used for communication with co-accused Nayana Rasik Bhain. The Ld. Counsel for the Applicant argued that, even assuming the said device belonged to the petitioner, the alleged chats and photographs do not advance the prosecution case, as the present recovery pertains to *Tramadol capsules*, whereas the images allegedly transmitted depict *Tapentadol Hydrochloride* and *Carisoprodol* tablets.

18. It is also asserted that there is no financial transaction or call record linking the petitioner with any co-accused person.

19. It is further contended that two separate recoveries have been shown at different times. In respect of the first recovery of *Alprazolam* tablets, there is a glaring discrepancy; at the beginning of the Complaint, the number of tablets is stated as 4,97,400, whereas in paragraph 6 it is stated as 7,97,400. Such inconsistency raises serious doubts regarding the integrity of the case property.

20. It is a well-settled principle that *bail is the rule and jail is the exception*. The object of bail is to secure the appearance of the accused during trial; its purpose is neither punitive nor preventive, as deprivation of



liberty amounts to punishment.

21. *Accordingly, it is prayed that the Applicant be enlarged on Bail.*

22. ***A detailed Status Report has been filed on behalf of the State/Respondent***, wherein the facts relating to the present case have been set out. It is further stated that during NCB custody, on 30.07.2024, the Applicant, 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.

23. The Applicant also stated that, to his knowledge, Nayan Gadhesaria's Firm was in the name of Nihal or Nishal, though he was unsure of the correct name, and that he received the illegal medicines at different locations. He primarily communicated through WhatsApp. The WhatsApp chat dated 24.07.2024 revealed that accused Nayan Rasikbhai Gadhesaria informed him that *Nitrazepam (Nitra)* was ready, to which the Applicant replied, "*Wait, let me arrange a new number,*" and Nayan "*Ok.*" The Applicant Amar Thakur also sent a photograph of *Tramadol Hydrochloride* to Nayan, stating that he required it. When questioned about Nayan's address, he stated that he did not know it and had only spoken to him over the phone. The accused thereafter, showed his WhatsApp chats, printouts of



which were taken on record and signed by him.

24. It is further submitted that the evidence against the present Applicant includes mobile number 9004286391, which was recovered from his possession, through which he allegedly made the contact with Rajesh of Anjani Courier, Mahipalpur, New Delhi (mobile no. 8130190692), regarding the seized parcels.

25. It is submitted that mobile number 9967399895, mentioned on the seized parcels and attributed to Applicant, Amar Thakur, was found to be operating on IMEI No. 865084053383270. A Letter was issued to the Nodal Officer, *Bharti Airtel Ltd.*, New Delhi, seeking CDRs for the said IMEI. The analysis of the data revealed that mobile number 9004286391, recovered from the possession of the accused, was active on the said IMEI from 01.01.2024 to 16.03.2024, and thereafter, mobile number 9967399895 as mentioned on the seized parcels, operated on the same IMEI from 19.03.2024 to 23.07.2024. The location of the applicant during the relevant period was found to be in Mumbai.

26. It is further stated that data obtained from the Porter App confirmed that services were booked online on 23.07.2024 using mobile number 9967399895. The statement of Yashpal Singh, DTDC staff, corroborates that the present accused was in contact with him and had requested that the parcel be handed over to the delivery agent.

27. It is also submitted that the mobile phone of the applicant was sent for data extraction, which revealed various incriminating materials against him. WhatsApp chats recovered between the present applicant and co-accused Nayan Rasikbhai, allegedly establish that the applicant was part of a larger



syndicate engaged in the illegal trade of psychotropic substances.

28. It is further submitted that there is a likelihood that the accused may abscond and evade the process of law if released on bail. Considering the recovery of *commercial quantity* in the present case, the bar under Section 37 of the *NDPS Act* is attracted.

29. *Accordingly, it is prayed that the present bail application be dismissed.*

Submissions heard and record perused.

30. The case of the Prosecution is that on 23.07.2024, acting on secret information, the NCB, Delhi Zonal Unit, seized *Alprazolam* tablets (*commercial quantity/psychotropic substance*) from ten carton boxes bearing AWB No. D02350865 at DTDC Express Pvt. Ltd., Samalkha, New Delhi. The total recovery comprised 7,97,400 *tablets*. The sender was shown as *Berkeley Agencies, Dehradun, Uttarakhand*, and the receiver as *Ajay Pandey, Mahipalpur, New Delhi*, with contact number 9967399895.

31. During investigation, it was revealed that the receiver was not present in Delhi and had arranged for the parcels to be collected by a porter through online booking. It was further found that the present Applicant Amar Thakur, based in Mumbai, was allegedly coordinating the said delivery. The mobile numbers 9967399895 and 9004286391 were attributed to him, both having location traces in Mumbai.

32. The investigation further led to the arrest of co-accused Paras @ Bharat, Shahil Kumar, Manish Himmat Bhai, and Nayan Rasikbhai Gadhesaria, who were allegedly involved in the illegal procurement and distribution of psychotropic substances through bogus firms such as



Berkeley Agencies and Viva Sales. From the mobile data and WhatsApp chats recovered during the investigation, it was alleged that the present applicant was in contact with co-accused Nayan Rasikbhai and was part of the illegal drug supply network. The applicant was arrested on 28.07.2024 and is in judicial custody

33. For considering an Application 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.

34. The ***primary aspect requiring consideration*** is the role attributed to the present Applicant, Aman Thakur, in connection with the recovery of 7,97,400 *Alprazolam tablets* from the premises of *DTDC Express Pvt. Ltd., Samalkha, New Delhi*. The Prosecution has laid emphasis on the recovery of a mobile phone bearing number 9004286391 from the possession of the Applicant, which was allegedly used to contact one Rajesh from Anjani Courier. It has further been demonstrated that the mobile number 9967399895, mentioned on the seized parcel, was found to be operational in Mumbai. The records of the Porter service also confirm that the said booking was made using the aforesaid mobile number. The chain of communication between the Applicant and various courier personnel *prima facie indicates* that the Applicant was overseeing and facilitating the



dispatch and delivery of the seized contraband from Mumbai, which is further corroborated by his location details.

35. The WhatsApp chats recovered between the Applicant and the co-accused, Nayan Rasikbhai, further substantiate the Prosecution's case and *prima facie* reveal that the Applicant was in active coordination with others in the illicit trafficking of psychotropic substances.

36. 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.

37. 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.

38. 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.

39. It is further significant to note that the Applicant has offered no plausible explanation as to why, in the conversation dated 24.07.2024, he had transmitted details of the vehicle bearing Registration No. DL12CS8830, which belongs to NCB to the said co-accused, Nayan Rasikbhai. This further strengthens the involvement of the present Applicant in the present recovery.

40. 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 Applicant and the address was provided by co-accused Nayan. This reflects that there was not only WhatsApp conversations but also corroborative evidence, as mentioned above.

41. However, upon verification, the said address was found to be non-existent. 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 present Applicant had arranged to take delivery of the parcel through a Porter from DTDC, Samalkha, for further delivery to Anjani Courier, Mahipalpur, New Delhi.

42. 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, thereby prima facie suggesting his participation in an organized drug trafficking network.

43. 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.

44. 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.

45. 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.

46. 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*.

47. Considering that that applicant was arrested on 28.07.2024 and the Chargesheet has already been filed on - and that the matter is pending for framing of charges, it cannot be said that there is inordinate delay in the trial; rather it is proceeding at its pace.



48. 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.

49. The present Bail Application is devoid of merit and is accordingly dismissed.

NEENA BANSAL KRISHNA, J

NOVEMBER 07, 2025/RS