



2025:DHC:9452



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

% ***Reserved on: 27th October, 2025***

Pronounced on: 29th October, 2025

+ **BAIL APPLN. 310/2025**

AMARPAL

.....Petitioner

SH. LAKHMI CHAND KOTALA
RIO KOTLA, MIRAPUR KHURD,
MUZAFFARNAGAR,
PIN: 251315, UTTAR PRADESH

Through: Mr. Divakar Upadhyaya, Advocate.

versus

DIRECTORATE OF REVENUE INTELLIGENCE.....Respondent
THROUGH I.O.
DRUM SHAP BUILDING,
LP. EST ATE, NEW DELHI

Through: Mr. Satish Aggarwala, Senior
Standing Counsel and Mr. Gagan
Vaswani, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Bail Application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) has been filed on behalf of the *Applicant/Amarpal*, seeking grant of ***Regular Bail*** in SC No. 161/2022 under Sections 20/23/25/29 of the Narcotic Drugs and



Psychotropic Substances Act, 1985 (*hereinafter referred to as “NDPS Act”*).

2. It is submitted that the Applicant was arrested on 29.10.2021 by the official of the Directorate of Revenue Intelligence and since then he is in Judicial Custody.

3. **The facts as per the Complaint by the Respondent/Directorate of Revenue Intelligence (DRI)** are that on 29.10.2021 at 10:00 AM, an information was received by Sh. Pradeep Kumar, Intelligence Officer, DRI, Headquarters, New Delhi that **one White Colour Mahindra Bolero bearing No. UP25DT6298**, occupied by one person wearing Pink shirt and brown trousers would be at *Ramraj Town Mandi, Near Miranpur, Muzaffarnagar on the Miranpur-Meerut road*, between 03-04 PM and narcotic substance/*Charas* would be concealed inside the said vehicle.

4. At around 02:30 PM, the white Mahindra Bolero was found parked near the entry gate of *Ramraj Mandi*. At about 03:40 PM, a person wearing a pink shirt and brown trousers approached and sat in the driver’s seat. The officers then intercepted the vehicle, identified themselves and the witnesses, and upon inquiry, the occupant disclosed his name as Amarpal (*the Applicant*).

5. The DRI officers conducted a thorough search of the white Mahindra Bolero in the presence of the Applicant/Amarpal and the witnesses. A false cavity was first found beneath the floor of the cargo area, accessed through a metal plate secured with nuts; however, it was empty. On further inspection, another concealed cavity was discovered near the driver’s side of the cargo area, created by welding an additional metal wall and covered with a metal plate. ***Upon opening this cavity, 68 packets wrapped in transparent tape,***



suspected to be Charas, were recovered. The Applicant/Amarpal admitted that he was carrying the said substance in the vehicle.

6. The testing of the substance with the field testing kit *gave positive indication for the said substance to be Charas*. The substance was found to be containing *semi-solid resinous brownish-black colour giving a distinct pungent odour*.

7. Therefore, the recovered packets suspected to contain *Charas having gross weight 69,100 grams (69.100 kg) along with its packing material, were seized*, along with the vehicle.

8. Some documents were recovered from the dashboard of the vehicle: Original Registration Certificate (RC) of vehicle No. UP25DT6298 in the name of *Sukhveer Singh*, issued by the Transport Department, Bareilly, along with a photocopy of the same; and a copy of Go Digit General Insurance Ltd. Commercial Vehicle Package Policy (UIN No. IRDAN158RP0001V01201819) in the name of Sukhveer Singh for the said vehicle.

9. Pursuant to the summons dated 29.10.2021, the Applicant/Amarpal gave a voluntary statement under Section 67 NDPS Act, *admitting his involvement in the recovery and seizure of 68 packets of Charas concealed in the vehicle*. He stated that the vehicle was given to him by one **Umesh**, a resident of Nepal, along with two associates near *Mirapur Bypass*, at around 6:00 AM on 29.10.2021. Umesh informed him that 68 packets of Charas were concealed in the vehicle and provided his contact number. Amarpal further stated that he was to deliver the *Charas* to persons named **Bhura, Risalu, and Ravi Master**, and was to receive Rs.68,000 for the task. He was also provided their mobile numbers.



10. The Applicant admitted being previously arrested by UP STF in November 2018 for smuggling 58 kg of *Charas* in which he is presently on Bail. He also acknowledged knowing that possession, sale, or purchase of NDPS substances is illegal under the NDPS Act and stated that he did not know the owner of the vehicle.

11. As per the CRCL Report dated 21.01.2022, six samples (CLD No. 1847 to 1852) *all six samples tested positive for Charas.*

12. On 09.11.2021, a search was conducted at the house of the Applicant/Amarpal, but nothing relevant to enquiry was found during the search.

13. Summons dated 01.12.2021 was issued to **Sh. Sukhvir Singh**. In his voluntary statement, Sukhvir Singh admitted that he is the owner of the white Mahindra Bolero, which he purchased in 2019 with a down payment of Rs.1.17 lakh and EMIs. He stated that he handed the vehicle to *Sanjay Jaiswal Yadav* in December 2019, as he was unable to pay the EMIs. There was no written contract between them. Sukhvir mentioned that *Sanjay used the vehicle to transport green peas from Nepal to Maharajganj*, deposited the EMIs into his Bank of Baroda account, and once mentioned an NDPS case in Bareilly court. Sukhvir denied knowing Amarpal.

14. The Applicant/Amarpal, who in Judicial Custody, gave a further voluntary statement on 11.03.2022, denying any knowledge of Sanjay/Sanjay Jaiswal. His mobile phone (Lava A1200) was examined on 15.12.2021, but no relevant data was found.

15. The Applicant/Amarpal stated on 29–30.10.2021 that one Umesh gave him the vehicle containing narcotics and provided Umesh's mobile number. Telecom records later showed this number is registered to **Abdul**



Rahaman, who stated that he had purchased the said mobile number, but was lost after 2–3 months, and he did not file a complaint. He claimed not to know Amarpal or Umesh. Upon checking the number on Truecaller, it showed the name *Sanjay Yadav from Jaswal* village (8 km from his village). He learned from locals that a person named **Sanjay** might be involved in NDPS smuggling.

16. The investigation against Sanjay Kumar, Umesh, and others is ongoing.

17. *Based on the facts, the Applicant/Amarpal has allegedly committed offences under Sections 20, 23, 25, and 29 NDPS Act, 1985.*

18. The **Applicant/Amarpal has sought Bail Application on the grounds** that admittedly, the Applicant is not the owner of the vehicle allegedly seized by DRI during investigation. No search was conducted at the spot from where the Applicant was apprehended. Furthermore, it is highly improbable that Applicant would request DRI officials to conduct search at DRI Office, where 68 Packets of *Charas* weight 69.100 kg have been recovered from the aforesaid vehicle.

19. Furthermore, there are several contradictions in the deposition of Prosecution witnesses.

20. Reliance has been *A.R. Antulay vs. R.S. Nayak*, (1992) 1 SCC 225 wherein the Apex Court has held that Article 21 provides that no person shall be deprived of his life or liberty except in accordance with the procedure prescribed by law. Since the accused, who is charged with the offence and is also the person whose life and/or liberty is at peril, he has a right to be tried speedily.



21. Reliance is also placed on Sanjay Chandra vs. CBI, (2012) 1 SCC 40 wherein it was held, “ *In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person of his trial by reasonable amount of bail. The object of bail is neither punitive not preventive. Deprivation of liberty must be considered a punishment*”.

22. It is submitted that the Applicant is innocent and belongs to respectable family and enjoys a good reputation in society.

23. It is submitted that most of the witnesses are DRI officials and there is no chance of tampering with the evidence. The Applicant also undertakes not to tamper with the Prosecution evidence in any manner and to abide by all terms and conditions imposed while granting Bail.

24. *Thus, a prayer is made for grant of Regular Bail.*

25. ***Ld. Counsel for the Applicant*** has submitted that no search has been conducted and the Applicant has been in the Judicial Custody for a considerable amount of time. Furthermore, only 9 out of the total 29 Witnesses have been examined.

26. **A Reply has been filed by the Respondent/DRI** opposing the Bail Application of the Applicant.

27. It is submitted that the Applicant is a ***repeat offender*** and has concealed this fact in his Bail Application. He was previously arrested by the UP STF in November 2018 for smuggling 58 kgs. of *Charas*, in *FIR No. 657/2018* under Sections 8 and 20 NDPS Act and is currently on Bail. It is therefore, evident that he is a repeat offender.

28. It is submitted that the Applicant in his voluntary statement dated 29/30.10.2021 *inter-alia* admitted recovery, seizure and other incriminating



facts regarding knowingly involved in the smuggling and transporting of *charas* for monetary consideration.

29. The Applicant filed two Bail Applications before the trial court. *Bail Application No. 1375/24 (SC No.161/22)* was dismissed on 25.07.2024, wherein it was noted that while the defence argued lack of evidence linking him as the driver or owner of the vehicle, a broad overview of evidence showed he had entered the vehicle and sat on the driver's seat, and the recovered contraband exceeded commercial quantity. The Applicant failed to overcome the twin hurdles of Section 37 NDPS Act.

30. Second *Bail Application No. 2567/2024 (SC No.161/22)* was dismissed on 07.12.2025, by observing that the allegations were grave and that the accused had a prior NDPS case involving commercial quantity of narcotics.

31. It is submitted that the embargo of Section 37 NDPS Act, 1985 applies to the facts in hand. **Firstly**, the Applicant is *prima facie* guilty as there was recovery and seizure of 69.100 Kgs *charas* from the vehicle white colour Mahindra Bolero pick-up, bearing No. UP-25DT-6298 occupied by the Applicant and **Secondly**, there is no unwarranted delay in the ongoing trial.

32. Reliance is placed on *Narcotics Control Bureau vs. Kashif*, Criminal Appeal No.5544/2024 decided on 20.12.2024; *Union of India (NCB) vs. Khalil Uddin*, Criminal Appeal No(s). 1841-1842/2022 (Arising out of SLP (Crl.) No(s).5505-5506/2022) decided on 21.10.2022; *State of Kerala vs. Rajesh*, Crl. A. 154-157/2020 decided on 24.01.2020; *NCB vs. Mohit Aggarwal*, Crl. (Appeals) No. 1001-1002/2022 decided on 19.07.2022; *Union of India vs. Md. Jamal*, Criminal Appeal No. 752/2022 decided on



06.05.2022; Union of India vs. Rattan Mallik @ Habul, Criminal Appeal No. 137/2009 decided on 23.01.2009; Union of India vs. Kuldeep Singh, 2004 (2) SCC 590; State of M.P. vs. Kajad, (2001) 7 SCC 673.

33. *Hence, a prayer is made that the Bail Application be dismissed.*

34. **Ld. Counsel for DRI** has vehemently contends that the Applicant is a repeat offender and large quantity of 69 Kgs. of *Charas* has been recovered from the vehicle of the Applicant.

35. Although the Respondent sought time to file the Order Sheets of the learned Trial Court, however, the same has not been filed.

Submissions heard and record perused.

36. At the outset, the pertinent aspect for consideration is that the Applicant has been in the Judicial Custody since 29.10.2021 i.e. for about four years. The prosecution has cited 29 Prosecution Witnesses and only 9 Witnesses have been examined till date. None of the Prosecution Witnesses have been examined since filing of the present Bail Application. There is nothing on record to indicate that the trial is likely to conclude in the near future.

37. This Hon'ble Court in the case of Sukhwinder Singh vs. State of NCT of Delhi, in Bail Application No. 2274/2023 had held that notwithstanding stringent requirements imposed on the accused under Section 37 of the NDPS Act for the grant of Bail, it has been established that these requirements do not preclude the grant of Bail on the ground of undue delay in the completion of the trial.

38. Further, in Badsha SK. vs. The State of West Bengal (Order dated 13.09.2023 passed in SLP (Crl.) 9715/2023), the accused therein had been in



custody for more than two years and four months with the trial yet to begin. The Court therefore, released the accused on Bail.

39. The Apex Court in the case of Man Mandal & Anr. vs. The State of West Bengal, SLP(CRL.) No. 8656/2023 had granted Bail to the Petitioner therein, in an FIR for offences under the NDPS Act, on the ground that the accused had been incarcerated for a period of almost two years and the trial was likely going to take considerable amount of time.

40. In the case of Sovraj vs. State of NCT of Delhi, Bail Application No.2537/2023 wherein it was stated the Applicant, who had spent about three years in Judicial Custody, cannot be made to spend the entire period of trial in custody especially when the trial is likely to take considerable time.

41. Ld. Counsel for the Respondent/ DRI has vehemently contended that the Applicant is a repeat offender and is facing trial for similar offence in FIR No. 657/2018. However, at this stage, it cannot be overlooked that he is on Bail in that case as well. Moreover, the prolonged period of incarceration in the conclusion of trial, impinging on his Constitutional Right of liberty and right to be not condemned without hearing out weighs the gravity of offence, as mandated by the Apex Court in the aforementioned cases.

42. The Applicant/Amarpal is admitted to Regular Bail on his furnishing a Personal Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of learned Trial Court/Learned CJM/learned Illaka JMFC/learned Duty JMFC and on the following conditions:

- a) That the Applicant shall not tamper with the evidence or influence any witness(es) in any manner;



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- b) That the Applicant shall file an “Undertaking” to the effect that he shall appear before the Court on each and every date of hearing to attend the proceedings in accordance with the terms of Bail Bond, which would be executed by him. In case of default, it shall be open to the learned Trial Court to treat it as an abuse of liberty of Bail and pass orders in accordance with law;
 - c) In case the Applicant misuses the liberty of Bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C is issued and the Applicant fails to appear before the Court on the date fixed in such proclamation, then the learned Trial Court shall initiate necessary proceedings against him, in accordance with law;
 - d) The Accused/Applicant is further directed not to leave the jurisdiction of NCT of Delhi, without prior permission of the concerned IO/SHO;
 - e) The Applicant shall provide his mobile number and share his google PIN location to the concerned IO/SHO and shall keep his mobile phone operational at all times.
43. The Bail Application is disposed of accordingly. Pending Application, if any, also stands disposed of.

**NEENA BANSAL KRISHNA
(JUDGE)**

OCTOBER 29, 2025/R