



2026:DHC:2625



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

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Judgment reserved on: 25.03.2026
Judgment pronounced on: 27.03.2026
Judgment uploaded on: 28.03.2026

+ **BAIL APPLN. 4472/2025****RISHABH TANDON**

.....Petitioner

Through: Mr. Pawan Kumar, Ms. Suman
Saharan, Mr. Naresh Kumar
and Ms. Meghna Mehla,
Advocates

versus

NARCOTICS CONTROL BUREAU DELHI ...Respondent

Through: Mr. Arun Khatri, SSC with
Ms. Shelly Dixit, Advocate

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of NCB Crime No. VIII/42/DZU/2021, registered for offences punishable under Sections 22(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereafter '*NDPS Act*'].

2. Briefly stated, the facts of the present case are that on 26.07.2021, acting upon secret information, officials of the



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complainant department had intercepted an export parcel bearing AWB No. 8007134192 at the premises of DHL Express Pvt. Ltd., New Delhi, which had been found to contain 5950 tablets of Tramadol weighing 2.083 kgs, falling within the category of psychotropic substances and constituting commercial quantity under the provisions of the NDPS Act. During investigation, it was revealed that the said parcel had initially been booked on 20.07.2021 at Trackon Courier, Hazratganj, Lucknow, by the present applicant/accused Rishabh Tandon using forged identity documents in the name of Md. Jafar. The applicant was subsequently apprehended on 02.09.2022 and, in his statement recorded under Section 67 of the NDPS Act, admitted to having booked the parcel and having received the same from co-accused Shadab Khan, who in turn disclosed that the contraband had been supplied by another co-accused Sharik @ Shariq Khan. Investigation further revealed telephonic contact and location proximity between the accused persons on the date of booking of the parcel, as well as incriminating WhatsApp communications linking them to the offence.

3. The learned counsel appearing on behalf of the applicant/accused submits that the applicant has been falsely implicated in the present case and no recovery of any contraband has been effected from his possession. It is argued that the prosecution case rests primarily on statements recorded under Section 67 of the NDPS Act, which are not admissible in evidence. It is contended that the applicant had merely handed over a parcel at the request of co-



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accused Shadab Khan, without any knowledge of its contents, and thus lacked any conscious involvement in the alleged offence. It is further submitted that there is no material to establish any direct nexus between the applicant and the seized contraband, and the investigation suffers from material lapses, including failure to examine relevant persons connected with the booking of the parcel. The learned counsel also submits that the applicant had cooperated with the investigation and was arrested in an arbitrary manner without proper compliance of legal safeguards. It is argued that the applicant has clean antecedents, is a law practitioner by profession, and has deep roots in society, with no likelihood of absconding or tampering with evidence. It is further contended that the trial is likely to take time to conclude, as only a few witnesses have been examined so far, and continued incarceration would be unjustified. Accordingly, it is prayed that the applicant be granted bail.

4. The learned counsel appearing for the NCB, on the other hand, has opposed the present bail application and argues that the allegations against the applicant are serious in nature and pertain to the illegal export of commercial quantity of psychotropic substance, namely Tramadol tablets, which attracts the rigours of Section 37 of the NDPS Act. It is argued that 5950 tablets weighing 2.083 kg were recovered from the parcel destined for the United States, clearly falling within the category of commercial quantity. It is further submitted that the present applicant is an active participant in the conspiracy, as he had booked the parcel using forged identity



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documents and had admitted his role in his statement recorded under Section 67 of the NDPS Act. The learned counsel submits that the investigation has revealed continuous telephonic contact between the applicant and co-accused persons, as corroborated by CDR analysis and WhatsApp chats, thereby establishing his involvement in the offence. It is also contended that material prosecution witnesses, including PW Rajesh Gupta and PW Anupam Kumar, have already been examined and have supported the case of the prosecution by specifically attributing a role to the present applicant in booking and handling the parcel. It is argued that the trial is at an advanced stage, and releasing the applicant on bail at this stage may adversely affect the course of trial. It is also argued that there is no change in circumstances since dismissal of the earlier bail applications, and the applicant has failed to satisfy the twin conditions under Section 37 of the NDPS Act. Accordingly, it is prayed that the present bail application be dismissed.

5. This Court has heard arguments addressed by learned counsel for the applicant and learned counsel for the NCB, and has perused the material on record.

6. In the present case, the allegations against the applicant pertain to an attempt to export a consignment containing a commercial quantity of psychotropic substance, i.e. Tramadol tablets.

7. However, at this stage, this Court notes that the applicant has been in judicial custody since 02.09.2022 i.e. for more than three and a half years. He is allegedly neither the source of recovered Tramadol



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tablets, nor the intended receiver, but an intermediary who had booked the parcel for its transportation to co-accused persons.

8. This Court notes that during the course of trial, material prosecution witnesses have already been examined. However, there are 23 witnesses cited by the prosecution, out of which only 7 are stated to have been examined so far.

9. In these circumstances, for the limited purpose of adjudication of the present bail application, this Court is of the opinion that the twin conditions stipulated under Section 37 of the NDPS Act stand satisfied, considering the alleged role of the applicant, long period of incarceration of the applicant, i.e. more than three and a half years, and the fact that the trial is likely to take some time to conclude since only 7 out of 23 witnesses have been examined so far, with material witnesses having already been examined before the Trial Court.

10. Thus, without expressing any opinion on the merits of the case, and considering the overall facts and circumstances, and for the reasons recorded hereinabove, this Court is of the opinion that the applicant has been able to make out a case for grant of bail. Accordingly, this Court is inclined to grant regular bail to the applicant, on his furnishing a personal bond in the sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Successor Court / Link Court / Duty Judge concerned, on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has



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- a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and concerned I.O./SHO.
 - iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
11. Accordingly, the present bail application stands disposed of.
 12. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
 13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/
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