

3rd Regular Bail Application
STATE Vs. Harsh Vardhan
FIR no. 290/2023
PS Crime Branch
U/s 20/29 NDPS Act

13.08.2025

This is 3rd regular bail application U/s 483 BNSS filed on behalf of applicant/accused Harsh Vardhan.

Present: Sh. K.P. Singh, Ld. Addl. PP for State.
Mr. Saurabh Gupta, Ld. Counsel for
applicant/accused.
IO SI Amit is present.

Reply to bail application is already filed. Copy already supplied.

Arguments heard on 3rd regular bail application moved on behalf of applicant/accused.

Ld. Counsel for the applicant/ accused submits that the applicant/ accused has been falsely implicated in the present case. He further submits that the case property is planted upon the applicant/accused. He further submits that at the time of arrest, no grounds of arrest were supplied to applicant/accused. He further submits that the applicant/accused was arrested on 19.12.2023 and thereafter he is in JC, however, no charge has been framed against him till date. He further submits that other co-accused persons are already on bail. He has relied upon the judgment Naveen Handa Vs. Central Bureau Narcotics, Bail Appln. 4070/2024 decided on 25.07.2025 by Hon'ble High Court of Delhi; Ses Ram Vs. State of NCT Delhi, Bail Appln. 2019/2025 decided on 25.07.2025 by Hon'ble Delhi High Court.

Per contra, Ld. Addl. PP for the state as well as IO

have vehemently opposed the bail application stating that 22 kg 786 grams of Ganja were recovered from the possession of applicant/accused. The applicant/accused is the main accused and the he was in contact with other co-accused persons through CDR and there were money transactions between them through Paytm. The flight and train tickets were used by the applicant/accused for purchase of contraband which were verified and the FSL result of the recovered substance is positive. The two previous bail applications of applicant/accused have been dismissed. They further submit that the issue regarding supplying the grounds of arrest in all cases is subjudice before the Hon'ble Supreme Court of India in the judgment of *Mihir Rajesh Shah Vs. Maharashtra, SLP No. 17132/2024*.

They further submit that the Hon'ble High Court of Delhi has refused to decide the pending bail application of accused by observing that the issue regarding supplying grounds of arrest is subjudice before the Hon'ble Supreme Court of India in judgment titled as *Narcotics Control Bureau Vs. Kashif, CrI. Appeal No. 5544/2024*, decided on 20.12.2024. They further submit that the grounds of arrest were informed to applicant/accused and the same were also mentioned in his arrest memo. They further submit that commercial quantity was recovered from the possession of applicant/accused and therefore Section 37 NDPS Act is applicable. The applicant/accused is not able to satisfy the twin conditions as provided U/s 37 NDPS Act. Therefore, they request to dismiss the bail application.

In rebuttal, Ld. Counsel for applicant/accused submits that in the arrest memo of applicant/accused, the IO has not mentioned as to what was recovered from the possession of

applicant/accused, therefore, the main ground/ reason to arrest the applicant/accused was not informed to the applicant/accused. He also submits that no such reasons of arrest were recovered from the personal search of applicant/accused and only one purse and one notice U/s 50 NDPS Act were recovered during his last personal search.

Submissions considered. Record perused.

As per the facts of the case, the applicant/accused was apprehended by the police after receiving the secret information. Total 22 kg 786 gram of Ganja was recovered from the possession of applicant/accused. Before his personal search, notice U/s 50 NDPS Act was served upon the applicant/accused in which the IO had specifically mentioned that the applicant/accused is involved in supply of narcotic drug/ psychotropic substance and already Ganja has been recovered from his possession and there are chances that further Ganja may be recovered from his possession in his personal search. He was given option to personally search the police officials and their vehicles. He was given option to get himself searched before some Gazetted Officer or Magistrate. He replied the said notice in Hindi language and refused to avail the option. The notice U/s 50 NDPS Act as well as his reply bears the signature of applicant/accused. Further the reasons of arrest were also supplied to applicant/accused in the arrest memo. The prime object of supplying the grounds of arrest to any accused is to give him information as to why he is being arrested so that he can defend himself. In the case in hands, the sufficient information was provided to applicant/accused as to why he was arrested. Further

there is not any specific format of supplying the grounds of arrest in Cr.PC as well as in NDPS Act, therefore, it cannot be said that grounds of arrest were not supplied to applicant/accused. Further, as per record, commercial quantity of Ganja was recovered from the possession of applicant/accused. There is Whatsapp connectivity between the applicant/accused and other co-accused persons. Further, the flight and train tickets which were used by applicant/accused for purchase of contraband were verified by the IO during investigation. The case property recovered from his possession was also sent to FSL and the result is positive. It is also observed that the previous bail application of applicant/accused was dismissed by Ld. Predecessor of this Court vide order dt. 06.03.2025. In that application, no such ground of non-supplying the grounds of arrest was taken on behalf of applicant/accused which prove that no prejudice has been caused to the applicant/accused and he had sufficient information of the grounds as to why he has been arrested and he was competent enough to defend himself.

Since, commercial quantity of Ganja was recovered from the possession of applicant/accused, therefore, Section 37 NDPS Act is applicable. The applicant/accused has failed to satisfy the twin conditions that he has not done present offence or that there are no chances that he will commit similar offence, if he is admitted to bail. Therefore, I do not find any merits in the application, hence, **the bail application of applicant/accused Harsh Vardhan is dismissed.**

The observations made on the merits of the case are purely for the purposes of deciding the present bail application and

shall not be construed as expression upon the merits of the case.

Copy of the order be given dasti to the IO as well as to the Ld. Counsel for applicant/ accused and be communicated to the applicant/accused through Jail Superintendent for information.

(Virender Singh)
Special Judge, NDPS-02,
Central,THC, Delhi/13.08.2025