

**IA No. 11/25 in SC No. 06/2022**  
**State Vs. Hardev Singh & Ors.**  
**FIR No. 172/2021**  
**PS Special Cell**

27.11.2025

Present: Sh. Syed Ubaid Mansoor, Ld. Addl. PP for the  
State.

None for the applicant/accused.

Vide my separate order of even date, the present application is allowed and disposed of accordingly.

Copy of the order be given *dasti* as well as be sent to jail superintendent for supplying the same to accused in jail.

**(Atul Ahlawat)**  
**ASJ/Spl. Judge, NDPS/N. Delhi**  
**21.11.2025**

**IA No. 11/25 in SC No. 06/2022**  
**State Vs. Hardev Singh & Ors.**  
**FIR No. 172/2021**  
**PS Special Cell**

27.11.2025

**ORDER**

1. Vide this order I shall dispose of the bail application u/s 483 BNSS, 2023 moved on behalf of accused/applicant Hardev Singh for grant of regular bail. Reply filed by the IO.
2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.
3. It is submitted by Ld. Counsel for applicant/accused that accused/applicant is in JC since 17.07.2021. The applicant/accused has been falsely implicated in the present case and there is no recovery of any contraband effected from his possession or at his instance. The name of the applicant/accused came up in the alleged statements of the co-accused persons u/s 67 of the Act and no incriminating material was recovered through the applicant/accused, even after the recording of the said disclosure statements.
4. It is submitted by Ld. Counsel for applicant/accused that there are no CDRs, intercepted calls, chat messages and whatsapp messages etc. to bring on record his complicity with

the other co-accused persons. As per the version of the prosecution, the applicant/accused was merely the loader of the contraband into the vehicles on which the illegal substances were ferried and delivered to different parts of the country, at the behest of the co-accused persons. Furthermore, there is also an allegation of his nephew, co-accused Manjeet Singh and him taking godown premises on rent, where the contraband was stored and that the rent of the said premises was paid by the co-accused persons. However, there was not even an ounce of recovery made from the said godowns allegedly taken by then on rent and keeping aside the contraband, no other document evidencing incriminating the applicant/accused was recovered by the officials of the Special Cell or DRI. Furthermore, it is the case of the prosecution that the applicant/accused was allegedly working for co-accused Lovejeet Singh @ Labba, then how come there is a reverse transfer entry of Rs. 2,80,000/- from the account of the applicant/accused to the account of the said co-accused. The said bank entry is running counter to the entire case of the prosecution. Therefore, the entire case against him is based upon the disclosure statements and the same without any recovery is inconsequential, being inadmissible in law. In support the Ld. Counsel has relied upon the decision of the Hon'ble Apex Court in "*Tofan Singh Vs State of Tamil Nadu*" (2021) 4 SCC 1.

5. It is submitted by Ld. Counsel for applicant/accused that formal charges against the applicant/accused were framed only on 13.01.2025, i.e., after expiry of over 3 ½ years from the date

of his arrest. The trial is not going to be concluded any time soon and therefore, continued incarceration of the applicant/accused is neither justified nor warranted.

6. It has been submitted by the Ld. counsel for the applicant/accused that the applicant/accused is ready to abide with any condition that this court may impose upon him. The Ld. Counsel has also relied upon the decision of the Hon'ble Delhi High Court in "***Phundreimayum Yas Khan Vs Stae (GNCTD)***", **Bail Application No. 1383/2022, date of decision 11.01.2023.** The applicant/accused is claiming parity with the co-accused Manjeet Singh, who has been granted regular bail by this Court vide order dated 07.07.2025 and the role assigned to present applicant/accused is exactly the same.

7. Per contra, it is submitted by the Ld. Addl. PP for the State duly assisted by the IO that the applicant/accused is involved in a case of criminal conspiracy and he had taken the godown on rent to facilitate the storage of the illicit drugs, where he along with his nephew co-accused Manjeet Singh used to load and unload the contrabands from into the vehicles belonging to other co-accused persons namely Gurjot Singh and Gurpreet Singh. If released on bail, the applicant/accused may revert back to his previous ways and start the illicit drug trafficking once again. He may also pose a flight risk and his presence would become difficult to secure during the trial. Therefore, the State is strongly opposing the present application.

8. After considering the rival contention of the parties, considering the facts & circumstances of the present case, even though there is no recovery of illicit contraband from the possession of the applicant/accused or at his instance, it is not the end of the matter. It is not the case of the prosecution that the applicant/accused was found in possession of the illicit contraband, his involvement is on the basis of being involved in the larger conspiracy and his part in facilitating the nefarious activities of the illegal drug trade. However, to establish the said criminal conspiracy, the prosecution is relying upon the disclosure statements of co-accused persons namely Lovejeet Singh @ Labba, Navpreet Singh @ Nav, Gurjot and Gurpreet. The prosecution is also relying upon the identification of the applicant/accused Ramandeep Singh, who was himself in police custody at that time. The said identification also does not have any value in the eyes of the law. There is no incriminating evidence except for one reverse entry from his account to the account of co-accused Lovejeet Singh @ Labba. There is no CDR or Cell Location ID chart or intercepted calls or text messages/whatsapp messages etc. to link him with the offence in question and the entire case is based upon circumstantial evidence. Therefore, the decision of the Hon'ble Delhi High Court in *Phundreimayum Yas Khan (Supra)* is squarely covering the facts and circumstances of the present case, as there is no recovery of commercial quantity of the contraband from the applicant/accused, or at his instance or behest or from his premises (owned or rented), therefore, the bar of Section 37 of the Act would not come into picture as there are more than strong

probable circumstances that he may not be guilty of the offence he is charged with. The ground of parity with co-accused Manjeet Singh is also fully made out. Therefore, in the considered opinion of this court, the present applicant/accused has made out his case for grant of regular bail to him. **Hence, the applicant/accused Hardev Singh is admitted to regular bail on following conditions :-**

**(i)** On furnishing of personal bond of **Rs. 50,000/- with two local sureties** of the like amount, to the satisfaction of this Court.

**(ii)** He shall not leave the country without the permission of this Court and he shall deposit his passport with this Court (if not already done).

**(iii)** He shall not try to tamper the evidence or hamper the trial or try to influence the remaining witnesses, in any manner and shall not indulge in any act or omission that would prejudice the proceedings in the present case, in any manner whatsoever.

**(iv)** He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the SHO concerned and this Court (no later than 3 days of the said change).

**(v)** He shall attend the trial without any single default.

**(vi)** He shall mark his attendance with the local PS on every first Monday of the Calendar Month, till the trial is pending.

9. Nothing stated herein shall tantamount to any expression or opinion on the merits of the case.
10. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused Hardev Singh for grant of regular bail is accordingly disposed of as allowed.
11. Copy of this order be sent to concerned Jail Superintendent for necessary intimation to the applicant/accused.
12. Application is disposed of accordingly.
13. A copy of this order be given *dasti* to all concerned parties.

**(ATUL AHLAWAT)**  
**ASJ/SPECIAL JUDGE (NDPS)/**  
**PHC/NEW DELHI/27.11.2025**