

IA 16/2025 SC 22/2025
NCB v. Nayan Rasik Bhai Gadhaseria

20.05.2026

Present: Sh. Harssh, Ld proxy counsel on behalf of Sh Arun
Khatrri, Ld SPP for NCB.
Sh. Swarndeeep Singh, Ld. Counsel for
applicant/accused.

Vide my separate order of even date, the application
filed on behalf of the applicant/accused Nayan Rasik Bhai
Gadhaseria, seeking grant of regular bail, is dismissed 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.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/20.05.2026

**IN THE COURT OF JITENDRA PRATAP SINGH
ADDL. SESSIONS JUDGE /SPECIAL JUDGE (NDPS),
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

IA 16/2025 SC 22/2025

NCB v. Nayan Rasik Bhai Gadhaseria

20.05.2026

ORDER

1. Vide this order, I shall dispose of the second regular bail application moved on behalf of accused/applicant **Nayan Rasik Bhai Gadhaseria** under Section 483 BNSS in the present case.

2. It is submitted by Ld. Counsel for applicant/accused and affirmed by the IO 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. Briefly stated, the case of NCB is that during investigation of recovery of huge commercial quantity of psychotropic substances from parcels booked through DTDC, the role of several accused persons came to light. Initially, recovery of 7,97,400 tablets of Alprazolam was allegedly effected from a parcel booked from Berkeley Agencies, Dehradun and destined for an address at Mahipalpur, Delhi. Thereafter, on the basis of further investigation, two more parcels bearing AWB Nos. D02376888 and D02376891 were intercepted and 27,360 capsules of Tramadol were allegedly recovered. The contraband is of commercial quantity.

4. As per the NCB, the applicant was one of the persons behind the procurement, billing, movement and delivery of the contraband/psychotropic substances. The prosecution has specifically relied upon WhatsApp chats between the applicant and co-accused Amar Thakur as well as between the applicant and co-accused Paras @ Bharat. It is alleged that chats show demand and supply of medicines such as Trakem, Elipam, Rlam and other NRx medicines, forwarding of purchase order instructions, sharing of the Mahipalpur address which was used on the seized parcel, sharing of vehicle details of the NCB vehicle after seizure and use of disappearing message settings. The NCB has further alleged that payment was routed partly through banking channels between firms and partly through cash/hawala/angadia.

5. Ld. Counsel for the applicant has argued that no recovery has been effected from the applicant. That he was neither the sender nor receiver of the parcel. That there is no financial trail connecting him to the alleged offence. That the entire case is based on disclosure statements of co-accused. That electronic evidence is inadmissible for want of compliance with Section 105 BNSS and certificate under the Bharatiya Sakshya Adhiniyam and that the applicant deserves parity with co-accused Paras @ Bharat, who has been granted bail by this Court. It is further argued that no mobile phone has been seized from the applicant/accused to show that he was connected in any manner with the other accused persons. That the applicant is a registered licensed trader authorized to trade in the medicines and

that he had already been granted bail in another similar case registered against him in Mumbai. It is on these grounds that the bail has been sought by the applicant.

6. Per contra, the Ld. Proxy Counsel for the Ld. SPP for NCB has opposed the application and has submitted that the case against the present applicant stands on a different and much stronger footing, than the co-accused Paras @ Bharat. It is argued that the applicant was not merely named in disclosure statements, rather there are specific WhatsApp chats recovered from the phones of co-accused persons showing his active involvement. It is further submitted that the applicant supplied the address which was used for the seized parcel, remained in touch with Amar Thakur and Paras @ Bharat, used disappearing WhatsApp messages and was already involved in a similar case registered by NCB Mumbai Zonal Unit. It is further argued that the CAF details of applicant's mobile phone corroborates him being in contact with accused Paras @ Bharat. It is further argued that in the data recovered from the mobile of the accused Paras @ Bharat, the phone number of the applicant was found as sent by him to the said accused which is not explained by the applicant. It is further submitted that the rigours of Section 37 NDPS Act are squarely attracted and therefore, the instant bail application should be dismissed.

7. I have heard Ld. Counsel for the applicant/accused and Ld. Proxy Counsel for Ld. SPP for NCB. I have also perused the record.

8. At the outset, it is required to be noticed that the alleged recovery in the present case is of commercial quantity. Therefore, the application has to be tested not only on ordinary principles of bail but also on the twin conditions contained in Section 37 of the NDPS Act. The Court must be satisfied that there are reasonable grounds for believing that the applicant is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. These conditions are cumulative and mandatory. Upon perusal of the record, the Court finds itself unable to arrive at the conclusion that the embargo u/s 37 of NDPS Act is not applicable in the present case.

9. The argument that there is no recovery from the applicant, by itself, is not sufficient in a case involving conspiracy under Section 29 of the NDPS Act. In offences of organised trafficking, every accused may not be found in physical possession of the contraband. The role of a conspirator may be reflected from the surrounding circumstances, digital communication, financial movement, conduct before and after seizure and linkage with the persons who booked, procured or attempted to receive the contraband. At the stage of bail, the Court is not required to conduct a mini trial, but it is required to see whether there is substantial probable cause to believe that the accused is not guilty. In the present case, such satisfaction cannot be recorded in favour of the applicant.

10. The material relied upon by NCB is not confined to the disclosure statements of co-accused. The alleged WhatsApp chats

show specific drug-related communications, quantities, purchase order instructions and connection with the address used in the seized parcel. The allegation that the applicant had shared the Mahipalpur address with co-accused Paras @ Bharat and that the same address appeared on the seized parcel, is a significant circumstance at this stage. The use of disappearing messages and continued communication around the time of seizure are also circumstances which cannot be brushed aside at the bail stage.

11. The objections regarding admissibility of electronic evidence, Section 105 BNSS compliance and certificate under the Bharatiya Sakshya Adhiniyam are matters which may require deeper examination during trial. At this stage, when the electronic material forms part of the prosecution complaint and is relied upon along with other surrounding circumstances, the same cannot be completely excluded from consideration for bail. The probative value, admissibility and proof of such material shall be tested during trial.

12. The reliance placed by Ld. Counsel for the accused on *Dalip Singh @ Langda v. State (NCT of Delhi)*, Bail Appln. 1312/2018, decided on 14.01.2019, in the opinion of this Court, is misplaced. In that case, the Hon'ble High Court found two major missing links to the effect that: there was no link between the petitioner and alleged supplier Manoj and the case against the petitioner was based only on disclosure statement, call connection and unconnected bank deposits. The prosecution had also failed to connect the bank accounts with the subject offence.

Further, the petitioner was HIV positive, had remained in custody for over three years and there was no NDPS antecedent of similar nature. The facts of the present case are materially different. Here, the NCB has relied upon specific WhatsApp chats, alleged sharing of the parcel address, purchase order instructions, drug-name/quantity related communications, disappearing message settings, alleged hawala/cash payment trail and prior involvement of the applicant in a similar NCB Mumbai case. Therefore, the present case cannot be equated with *Dalip Singh @ Langda (Supra)*.

13. The plea of parity with co-accused Paras @ Bharat also does not persuade this Court. The bail granted to Paras was based upon facts peculiar to him, including infirmities noticed in the seizure of his mobile phone, the issue of the SIM/mobile number not being registered in his name, absence of certain witnesses and his conduct during interim bail. The role attributed to the present applicant is different. The applicant is alleged to have supplied the address used on the seized parcel, coordinated with both Amar Thakur and Paras, dealt with procurement and supply instructions and was connected with the alleged larger chain of illegal Narcotics/psychotropic medicine trafficking. Parity is not a mechanical formula. Unless the role, material and circumstances are substantially identical, bail granted to one co-accused does not automatically entitle another accused to bail.

14. The present applicant, therefore, stands on a footing distinguishable from Paras @ Bharat. The material alleged

against the applicant is not merely that he was found with a phone or that his name surfaced in a disclosure statement. The allegation is of a coordinating role in the larger conspiracy. In such circumstances, the ground of parity is rejected.

15. It is also relevant that the applicant is alleged to have been involved in another similar case registered by NCB Mumbai Zonal Unit. Though the said case cannot be treated as proof of guilt in the present matter, it is a relevant circumstance while considering the second limb of Section 37 NDPS Act, namely, whether the accused is likely to commit an offence while on bail.

16. It is also significant to note that the earlier bail application of the present applicant already stands dismissed by the Hon'ble High Court of Delhi vide judgment dated 07.11.2025 passed in *Nayan Rasik Bhai Gadhaseria v. NCB*, Bail Appln. No. 2630/2025. The Hon'ble High Court, after considering the entire material including the role attributed to the applicant, WhatsApp chats, disclosure statements, courier operations, fake address and the rigours of Section 37 NDPS Act, specifically held that the material on record prima facie suggested active participation of the applicant in an organised drug trafficking network and that the case did not satisfy the twin conditions under Section 37 NDPS Act.

17. The Hon'ble High Court further observed that the case against the applicant was not based merely on CDRs, but also on WhatsApp chats, statements of witnesses, online booking details

and other incriminating material showing coordination between the accused persons. The Hon'ble High Court also specifically noticed the allegation that the applicant had supplied the fictitious Mahipalpur address used in the seized parcel and was actively managing courier operations relating to the contraband.

18. The present application is, in substance, another attempt to seek re-appreciation of the same material which already stood considered by the Hon'ble High Court. Though a successive bail application is maintainable if there is a substantial change in circumstances, no such material change is shown to have arisen after dismissal of the bail application by the Hon'ble High Court, except the plea of parity with co-accused Paras @ Bharat. However, as already discussed hereinabove, the role attributed to the present applicant stands on a different footing and the principle of parity is not attracted in the peculiar facts of the present case.

19. Once the Hon'ble High Court, upon detailed consideration of the material available on record, has already declined bail to the present applicant while specifically considering the rigours of Section 37 NDPS Act, this Court would require substantial new circumstances to take a different view. No such circumstance is made out in the present matter.

20. Considering the above-mentioned facts and discussion, this Court is unable to record a satisfaction that there are reasonable grounds for believing that the applicant is not guilty of the

alleged offences. This Court is also unable to record satisfaction that the applicant is not likely to commit any offence while on bail.

21. Accordingly, the twin conditions under Section 37 NDPS Act are not satisfied. The application for regular bail moved on behalf of accused/applicant **Nayan Rasik Bhai Gadhaseria** is hereby **dismissed**.

22. Nothing stated herein shall be construed as an expression on the merits of the case. The observations made herein are only for the purpose of deciding the present bail application.

23. The coversheet in compliance of the practice directions no. 124/Rules/DHC dated 10.12.2024, containing the directions passed by the Hon'ble Supreme Court of India in "**Suhas Chakma Vs. Union of India & Ors.**", Neutral Citation 2024 INSC 813 is issued separately.

24. The application stands disposed of accordingly. Copy of the present order be given *dasti* and same be also sent to concerned jail superintendent, to be supplied to the applicant/accused.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/20.05.2026