

IA10/25 SC94/25
FIR468/24
PS Special Cell
STATE v. Kaushik Verma

19.02.2026

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Sh. Shyam Babu, Sh. Antesh Kumar Mishra, Sh.
Saurabh Singh and Sh. Piyush Jain, Ld. counsels for
applicant/accused.

Vide my separate order of even date, the application
filed on behalf of the applicant/accused Kaushik Verma, 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/19.02.2026

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

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ORDER

1. By way of the present order, I shall dispose of the bail application filed under Section 483 BNSS on behalf of the applicant/accused Kaushik Verma seeking grant of regular bail 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. Brief facts of the case are as follows, on 08.10.2024, acting upon secret information, a raiding team of Special Cell conducted a raid at A-Block, Sonia Vihar, Delhi. During the raid, one Vipin Mishra was apprehended while coming out of house No. A-40, Gali No. 1, Sonia Vihar, carrying a brown cardboard carton. After compliance of Section 50 NDPS Act, the carton was checked and was found bearing the label of IKON Pharmachem Pvt. Ltd. and the product name "Tramowell-100 Tabs." On

further search at premises A-44/2, Gali No. 1, Part-2, Sonia Vihar, a substantial quantity of contraband substance and powder was allegedly recovered.

4. The recovery included 49 cartons of Tramadol Hydrochloride Tablets USP 100 mg (Tramowell-100) manufactured by Ikon Pharmachem Pvt. Ltd.; 1 carton of 31 boxes of Tramadol Hydrochloride Tablets, 39 boxes of Pivorxon Capsules of Dicyclomine Hydrochloride & Acetaminophen capsules (50 mg) manufacture by Zenith drugs Ltd.; 1 carton containing 59 boxes of Tramadol Hydrochloride Tablets 100 mg-Tramowell-100 Tablets manufacture by Bon Heur Pharmaceutical and 1 box of Trabow 100 tramadol HCL prolonged released tablets having Tramadol hydrochloride IP 100 mg manufacture by Jainson Healthcare; 18 cartons of Trabow 100 tramadol HCL prolonged released tablets having Tramadol hydrochloride 100 mg manufacture by Jainson Healthcare containing small boxes which contain tablets in strips having Tramadol Hydrochloride IP 100 mg; 6 cartons of Tramadol HCL USP 100 mg-Tablets manufacture by Bon Heur Pharmaceutical containing small boxes which contain Tablets in strips having Tramadol 100 mg; 1 carton containing 53 boxes of Alpra Safe 0.25, Alprazolam tablets IP 0.25 mg manufacture by Pure & Cure Health Care Private Limited having Alprazolam IP 0.25 mg tablets in strips and 1 carton containing 54 boxes of OHMS Alpha 0.5. Alprazolam tablets IP 0.5 mg manufacture by Evolet Pharmaceuticals Private Limited having Alprazolam IP 0.5 mg tablets in strips. The quantity recovered is stated to be

commercial. Vipin Mishra was arrested.

5. During police custody remand of Vipin Mishra, co-accused Sanjay Shukla was apprehended. On search of his residence at Brahmpuri, Delhi, 519 grams of Tramadol powder was allegedly recovered and seized. He was also arrested in the present case.

6. The prosecution case further is that during investigation, accused Kaushik Verma was arrested on 03.10.2025. His disclosure statement was recorded, wherein he allegedly admitted that 58 cartons of Tramadol 100 mg manufactured by Ikon Pharmachem Pvt. Ltd. and 42 cartons of Tramowell-100 manufactured by Bon Heur Pharmaceutical were supplied to one Vimal Pandey on his instructions. It is alleged that he conspired with co-accused Sagar Rastogi and Rishi Mishra and knowingly supplied contraband medicines to Vimal Pandey, who was not authorised or licensed to deal with such drugs.

7. It is further alleged that Kaushik Verma was operating a firm in Delhi under the name “Embit Bio Medix,” holding Drug Licences bearing Nos. DL-BAS-135459 and DL-BAS-135460, which were subsequently cancelled vide order dated 16.12.2022. Thereafter, he allegedly registered another firm with the same name in Himachal Pradesh without disclosing the cancellation of his Delhi licence. It is further alleged that he got another firm registered in the name of his daughter under the name “Aashi Pharmaceuticals,” showing one Deepak Ram as proprietor, though the prosecution claims that the firm was in fact controlled by Kaushik Verma. Statements of employees and other witnesses

have been recorded and reliance is placed upon CDRs, location analysis, intercepted calls and bank transactions to establish connectivity and money trail between the accused persons.

8. It is submitted by learned counsel for the applicant/accused Kaushik Verma that the applicant is innocent and has been falsely implicated in the present case. He is a law-abiding citizen, permanently residing at the given address, having deep roots in society and has clean antecedents with no past criminal involvement of any nature.

9. Learned counsel submits that the applicant is the sole bread earner of his family and is responsible for maintaining his aged and ailing parents, wife and minor children. His continued incarceration is causing severe hardship to his dependent family members.

10. It is further submitted that the applicant is the proprietor of M/s Embit Bio Medix, a sole proprietorship concern engaged in wholesale distribution of pharmaceutical medicines. The said firm holds valid licences under the Drugs and Cosmetics Act and is conducting business strictly in accordance with law. All purchases and sales are supported by tax invoices and proper statutory records. It is argued that lawful pharmaceutical trade cannot be equated with illicit trafficking and the applicant cannot be held criminally liable for alleged acts of third parties.

11. Learned counsel argues that no contraband has been recovered from the possession of the applicant nor any recovery

has been effected at his instance. His implication is stated to be based only on disclosure statements of co-accused persons and his alleged statement recorded during investigation. It is contended that disclosure statements are not substantive evidence and cannot by themselves form the basis of continued incarceration.

12. It is further submitted that the alleged confessional statements recorded under Section 67 of the NDPS Act are inadmissible in evidence in view of the law laid down by the Hon'ble Supreme Court in *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1 and thus cannot be relied upon to deny bail. Apart from such statements, there is no independent material linking the applicant with the alleged offence or establishing any conspiracy under Section 29 NDPS Act. It is argued that there are missing links between the applicant and the alleged recovery.

13. Learned counsel submits that the applicant fully cooperated with the investigation, joined the investigation whenever called and supplied all documents sought by the Investigating Agency. Investigation is already complete, charge-sheet has been filed and nothing remains to be recovered from him. Therefore, no further custodial interrogation is required.

14. It is also argued that the alleged raid was conducted on prior secret information in broad daylight, yet no independent public witness was joined, which casts doubt on the prosecution version. All material witnesses cited are police officials and hence there is no real possibility of the applicant influencing or

tampering with prosecution evidence.

15. On the aspect of Section 37 NDPS Act, learned counsel submits that although the case involves commercial quantity, the statutory bar would not operate mechanically in the present case as there is no recovery from the applicant and the prosecution case against him rests only on disclosure/confessional material. It is contended that there are reasonable grounds at this stage to believe that the applicant is not guilty and that he is not likely to commit any offence while on bail, particularly in view of his clean antecedents and lawful business background.

16. Learned counsel further submits that the applicant is in judicial custody since 10.10.2025, charges are yet to be framed, there is a long list of witnesses and the trial is not likely to conclude in the near future. Prolonged pre-trial detention would serve no useful purpose.

17. It is also submitted that a co-accused has already been granted bail and the applicant claims parity, being similarly placed. Reliance is placed on judgments including *Amit Ranjan vs NCB* (Bail application 1189/2020 decided by the Hon'ble Delhi High Court) and *Union of India vs Shiv Shanker Kesari* (2007) 7 SCC 798 to contend that at the stage of bail the Court is only required to see whether reasonable grounds exist and not to record a finding of acquittal. Reliance is further placed upon judgments of the Hon'ble High Court of Delhi in *Gilbert Apeh Emekav v. NCB* (Bail Application No. 3269/2025 decided on 03.04.2024), *Abdul Rab v. NCB* (Bail Application No. 3023/2024

decided on 21.01.2025) and *Vina Dua v. State (NCT of Delhi)* (Bail Application No. 900/2025 decided on 11.06.2025), to contend that in cases where there is no recovery from the accused and the prosecution case is founded on statements and documentary material, bail has been granted.

18. Learned counsel finally submits that the applicant undertakes to appear on each and every date of hearing, will abide by all conditions imposed by the Court, will not abscond and will not tamper with evidence or influence any witness and is ready to furnish adequate bail bonds and sureties. It is prayed that the applicant be admitted to bail.

19. Per contra, learned Addl. PP for the State has opposed the bail application and submitted that the present case involves recovery of commercial quantity of contraband substances, including a large quantity of Tramadol tablets and powder, thereby attracting the statutory embargo under Section 37 of the NDPS Act.

20. It is argued that the role attributed to the applicant is not peripheral but central, inasmuch as he is alleged to be the source and key supplier of the contraband medicines. It is submitted that investigation has revealed that he was operating firms through proxy arrangements even after cancellation of his drug licence and was routing transactions through intermediary entities to avoid detection.

21. Learned Addl. PP submits that the money trail has been

established through bank statements and cash deposits. That CDRs and location analysis demonstrate continuous contact between the applicant and co-accused during the period of supply and payment and that statements of witnesses including Lavkush Giri, proprietor of RL Pharma, who was directed by the applicant to act as distributor/consignee on behalf of Embit Biomedix has been recorded under Section 183 BNSS before the Court.

22. It is further argued that the applicant has previous involvement in a similar NDPS case registered by NCB, Amritsar, thereby indicating antecedents and propensity. It is submitted that given the gravity of offence, organised nature of the conspiracy and commercial quantity involved, the twin conditions under Section 37 NDPS Act are not satisfied.

23. Learned Addl. PP further submits that investigation is still pending in certain aspects and in view of the influence and position of the applicant in the pharmaceutical trade, there is a likelihood of influencing witnesses or hampering further investigation if released on bail.

24. On these grounds, it is prayed that the bail application be dismissed.

25. I have heard the learned counsel for the applicant and learned Special PP for the State at length. I have also perused the record.

26. At the threshold, it is an admitted position that the present case involves recovery of commercial quantity of Tramadol

tablets and powder, along with other psychotropic substances. The seizure of multiple cartons of Tramadol Hydrochloride 100 mg tablets and approximately 85.09 kg of powder has been detailed in the seizure memo. Thus, the rigours of Section 37 of the NDPS Act are clearly attracted.

27. Under Section 37 of the NDPS Act, in cases involving commercial quantity, bail can be granted only if the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and that he is not likely to commit any offence while on bail. The burden is on the applicant to satisfy the twin conditions.

28. The principal submission of the applicant is that no recovery has been effected from his possession and that his implication is based solely upon disclosure statements, which are inadmissible in view of the law laid down in *Tofan Singh (supra)*. However, on a careful consideration of the record, it is evident that the prosecution case against the applicant does not rest solely on disclosure statements.

29. The investigation has revealed that the recovered Tramadol tablets under the brand name Tramowell 100 (manufactured by Ikon Pharmachem Pvt. Ltd) and recovered from the godown at the instance of accused Vipin Mishra and which have been identified by the batch no. mentioned on some of the strips and boxes have been obtained from Icon Pharmachem on the purchase request of M/s Embit Bio Medix, Himachal Pradesh which admittedly is the firm of the present accused/applicant. No

document has been produced or referred during the arguments on behalf of the applicant to show that he had maintained a proper record of sale of these tablets. It is not disputed by the applicant that the drug licence of the applicant in Delhi was cancelled on 16.12.2022. Despite this, the applicant obtained a fresh licence for dealing in drugs from Himachal Pradesh without disclosing the cancellation of his earlier licence. This circumstance reflects deliberate concealment and continued involvement in contraband trade despite regulatory cancellation.

30. Investigation has revealed that the applicant floated another concern, namely M/s Aashi Pharmaceuticals, ostensibly in the name of his daughter, with one Deepak Ram shown as proprietor. However, statements of employees of M/s Aashi Pharmaceuticals reveal that they were recruited by the applicant himself and that their salaries were paid by him or through his existing concern. Even after his arrest, salaries are stated to have been paid by his wife. These statements, at this stage, constitute prima facie material linking the applicant with the functioning and control of M/s Aashi Pharmaceuticals.

31. As per the investigation conducted, Call Detail Records (CDRs) connect the applicant with the co-accused persons, particularly during the period of alleged delivery of contraband and financial transactions. The CDR analysis and location details are stated to demonstrate constant communication between the applicant and co-accused such as Vimal Pandey and Rishi Mishra. In addition, the prosecution has placed reliance upon

bank statements and cash deposit slips to establish a money trail of approximately Rs.29,58,900/- routed through accounts of co-accused persons and eventually credited to accounts linked with Aashi Pharmaceuticals.

32. At this stage, this Court is not required to meticulously examine the probative value of each piece of evidence as would be done during trial. However, the material placed on record indicates that the prosecution case is supported by documentary and electronic evidence in addition to statements recorded during investigation. The alleged role of the applicant is not peripheral. Rather, he is alleged to be a key supplier who orchestrated the procurement and distribution of commercial quantity of contraband through layered transactions and intermediary entities.

33. The contention of the applicant that there is no recovery from him, though relevant, is not by itself sufficient to satisfy the twin conditions of Section 37 NDPS Act, particularly when the prosecution alleges conspiracy under Section 29 NDPS Act and supports the same with CDRs, financial records and witness statements.

34. This Court has considered the reliance placed by the applicant on the decisions of the Hon'ble High Court of Delhi in *Gilbert Apeh Emeka v. Narcotic Control Bureau (Bail Appln. 3269/2023, decided on 03.04.2024)*, *Vinay Dua v. State (Govt. of NCT of Delhi) (Bail Appln. 900/2025, decided on 11.06.2025)* and *Abdul Rab v. Narcotics Control Bureau (Bail Appln.*

3023/2024 decided on 20.01.2025). However, the said authorities are clearly distinguishable on facts. In those matters, the applicants were found to be implicated primarily/essentially on the basis of disclosure/voluntary statements under Section 67 NDPS Act, with no recovery from them and, significantly, the Hon'ble High Court found absence of substantial independent corroboration connecting the applicants with the recovered contraband. It was observed that mere CDR or financial connectivity, without credible linking material, would not by itself satisfy the standard required at the bail stage. In *Abdul Rab (Supra)* the custody in two complaint cases for the same singular act was treated as a peculiar circumstance warranting relief. In the present case, however, the prosecution has placed prima facie material beyond bare disclosure statements, namely the allegation of concealment of cancellation of the Delhi drug licence and obtaining of a fresh licence elsewhere, the alleged operation of concerns through proxy arrangements (including "Aashi Pharmaceuticals") supported by statements of employees regarding recruitment/payment by the applicant, the asserted banking trail/cash deposits indicating routing of funds to accounts linked with the said concern and the reliance on CDR linkage to depict the applicant's role as a source/supplier in the supply chain. Thus, unlike the cited decisions of the Hon'ble High Court where the evidentiary foundation was found to be thin and substantially statement-based, the present record, at this stage, discloses documentary/electronic linkage to connect the applicant with the conspiracy and commercial-quantity

trafficking and therefore the aforesaid precedents do not advance the applicant's case for satisfaction under Section 37 NDPS Act.

35. The prosecution has also pointed out previous involvement of the applicant in another NDPS case registered by NCB, Amritsar. While the merits of that case are not to be examined herein, such involvement is a relevant circumstance while assessing the second limb of Section 37, namely the likelihood of committing an offence while on bail.

36. Having regard to the gravity of the offence, the commercial quantity involved, the prima facie material connecting the applicant through CDRs, financial transactions and statements of employees, this Court is unable to record a satisfaction that there are reasonable grounds for believing that the applicant is not guilty of the offences alleged. Further, in view of the organized nature of the alleged activities and antecedents brought on record, this Court is also not satisfied that the applicant is not likely to commit any offence while on bail.

37. The twin conditions under Section 37 NDPS Act, therefore, are not satisfied. Accordingly, the bail application of accused Kaushik Verma stands dismissed.

38. Nothing expressed herein shall have any bearing on the merits of the case.

39. 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.

40. Application is disposed of accordingly.

41. 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/19.02.2026