

IA 4/25 SC 43/23
NCB VS JAI SINGH SHEKHAWAT

22.09.2025

Present: Sh. Mukeysh Malik, Ld. SPP for NCB.
Sh. Jaidev Sharma, Ld. counsel for
applicant/accused (through VC)

Vide my separate order of even date, the present application is dismissed and disposed off 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
22.09.2025

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ORDER

1. Vide this order I shall dispose off the 5th bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Jai Singh Shekhawat for grant of regular bail. Reply filed by the IO and the same has been perused carefully.

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 was arrested in the present on 09.08.2022. The present applicant/accused has been falsely implicated in the present case and there is no recovery of any contraband, which has been effected through him. The applicant has been in custody for over 03 years and the trial is going to take a long time to conclude.

4. It is submitted by Ld. Counsel for applicant/accused that the first application moved by the applicant/accused was dismissed by the the Ld. Predecessor of this Court vide order dated 07.06.2023. Thereafter, the applicant/accused moved the Hon'ble High Court of Delhi by preferring another bail

application, however the same was dismissed as withdrawn. Thereafter the third application moved by the applicant/accused was dismissed as withdrawn vide order dated 11.07.2025. Thereafter on 28.07.2025, the last bail application was dismissed for non prosecution. Since, the dismissal of the last bail application on merits i.e. vide order dated 07.06.2023, there has been a material change in circumstances, that applicant has remained in further custody of over 2 years since the date of said order.

5. It is submitted by Ld. Counsel for applicant/accused that the applicant/accused was neither the sender nor the receiver of the alleged parcel, which was intercepted by NCB, from which the contraband was recovered. The NCB made no efforts to trace out the alleged sender and the receiver and no efforts to further arrest the real culprits were made by the NCB.

6. It is submitted by Ld. Counsel for applicant/accused that he has absolutely clean antecedents and he is ready to abide with any condition that this court may impose upon him, if the present application is allowed and he is enlarged on regular bail.

7. Per contra, it is submitted by the Ld. SPP for NCB duly assisted by the IO that the present applicant/accused is involved in a heinous case, in which he had attempted to export the banned alprazolam tablets by concealing them in the secret cavity made inside one marble lamp. The applicant/accused had used a false identity of one Rahul Kumawat and he had sent the parcel in question to one Deepak Patel in USA. The NCB has recorded the

statement of booking clerk of DHL and he had duly stated that the parcel in question was booked by the applicant/accused and there is a CCTV footage of his, when he had went to the DHL Office to enquire about the said parcel. The relevant witnesses including the independent witness Sh. Rajender Saini are yet to be examined. The supplier of the contraband namely Ajay Singh Shekhawat is already declared as a PO and efforts are being made to trace his whereabouts.

8. It is further submitted by Ld. Addl. PP for State that the FSL result of the recovered contraband during the investigating is also positive. Lastly, there is no change in circumstances since the dismissal of last order on merits, therefore, the State is strongly opposing the present application.

9. The change in circumstances for the purpose of granting bail are to be seen in the light of the law laid down by the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India in this regard. The Hon'ble Supreme Court of India in the case of ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 SC 2292***, has held that successive bail applications can be entertained by the court when substantial case is established by the accused, which would entitle him for getting bail in successive bail application. The court should not pass the order of releasing him on bail in successive bail application merely establishing some cosmetic change during the period between two applications which would entitle the accused for bail. In ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Anr., (2005) 2 SCC 42***, Hon'ble Supreme Court of India

observed as under :

“This court also observed that though the accused has a right to make a successive application for grant of bail, the court entertaining such subsequent bail applications has duty to consider the reason and grounds on which the earlier bail applications were rejected and in such cases, the court also has a duty to record what are the fresh grounds which persuaded it to take a view different from one taken in earlier application.”

10. In ***Kalyan Chandra Sarkar*** case (Supra), it was also held by the Hon'ble Supreme Court that successive bail applications cannot be entertained only on the ground that the accused is in custody for a longer period.

11. If the law laid down in the above said judgments is applied to the facts of the present case, it is clear that there is no substantial change in circumstances for the purpose of grant of bail to the accused/applicant, only on the ground that he had spent more time in custody. The further period of custody is not a ground to be considered u/s 37 of the NDPS Act. Reliance is placed upon the decision of Hon'ble Supreme Court of India in ***“NCB Vs. Mohit Aggarwal”***, MANU/SC/0899/2022. Furthermore, in light of statutory presumption and the stringent condition imposed u/s 37 of the NDPS Act, no ground for grant of regular bail is made out.

12. In view of the discussions in the preceding paragraphs, this Court is not inclined to grant regular bail to the applicant/accused at this stage. The present application stands disposed off accordingly.

13. Needless to say nothing expressed herein shall have any bearing on the merits of the case.

14. Application is disposed off accordingly.

15. 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.

16. A copy of this order be given *dasti* to all concerned parties.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
22.09.2025