

IA 15/25 SC No. 22/2025
NCB Case No. VIII/26/DZU/2024
Under Sections 8(c), 22(c), 28 & 29 NDPS Act
Read with Section 223 BNSS
NCB v. Amar Thakur

09.04.2026

Present: Sh. Harssh, Ld proxy counsel on behalf of Sh Arun
Khatri, Ld SPP for NCB.

Ms. Sushma Sharma, Ld. counsel for
applicant/accused.

Vide my separate order of even date, the application
filed on behalf of the applicant/accused Amar Thakur, 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/09.04.2026

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

09.04.2026

ORDER

1. Vide this order, I shall decide the present second application under Section 483 BNSS moved on behalf of applicant/accused Amar Thakur 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. As per the record, the present applicant has been arrested on 28.07.2024. It is also not in dispute that an earlier bail application of the present applicant was dismissed by this Court vide order dated 08.08.2025 and thereafter the bail plea of the applicant was also rejected by the Hon'ble High Court of Delhi vide order dated 07.11.2025. The present application has, therefore is to be examined not only on merits of the case but also in the light of the earlier rejection of the bail.

4. The case of the prosecution, in brief is that on 23.07.2024, acting on secret information, NCB Delhi Zonal Unit intercepted a

parcel bearing AWB No. D02350865 at DTDC Express Pvt. Ltd., Samalkha, New Delhi. Upon examination of the said parcel, 7,97,400 Alprazolam tablets were allegedly recovered therefrom. The said quantity is commercial quantity of psychotropic substance under the NDPS Act. As per the airway bill and accompanying documents, the sender was shown as Berkeley Agencies, Saraswati Vihar, Dehradun, Uttarakhand, and the consignee was shown as Ajay Pandey at an address in Mahipalpur, Delhi. During investigation, the address of the consignee was allegedly found to be non-existent.

5. The investigation further revealed that the intended receiver of the parcel was not physically present in Delhi and was attempting to take delivery through a porter vehicle from DTDC, Samalkha and to have the consignment further routed through Anjani Courier, Mahipalpur to another place in NCR. It is alleged that the person who was coordinating such delivery was Ajay @ Amar Thakur, i.e., the present applicant, from Mumbai. It is alleged that the porter was booked online and that the concerned porter driver Mr. Rakesh Kumar visited DTDC, Samalkha. The prosecution further alleges that the present applicant was making inquiries with DTDC staff, the porter driver and Anjani Courier staff through mobile number 9967399895 and had also contacted Rajesh Kumar of Anjani Courier from another mobile number 9004286391.

6. It is further the case of the prosecution that technical analysis revealed both the aforesaid mobile numbers to be active

in Mumbai. On the basis of technical analysis and human intelligence, the applicant was apprehended at Mumbai on 27.07.2024. He was issued notice under Section 67 NDPS Act. He joined investigation at NCB Mumbai Zonal Unit office and was thereafter arrested on 28.07.2024.

7. It is alleged that during investigation mobile number 9004286391 was found in possession of the applicant and that mobile number 9967399895, which was mentioned on the seized parcel, as well as mobile number 9004286391, were found to have worked on the same IMEI No. 865084053383270 during different periods. It is the prosecution case that CDR analysis of mobile number 9967399895 showed that on 23.07.2024, the said number was being operated from Mumbai and was in touch with DTDC staff, porter driver Ravinder Kumar, and Rajesh Kumar of Anjani Courier. The prosecution has also relied upon data allegedly received from porter application records to the effect that the porter had been booked through mobile number 9967399895.

8. The prosecution further relies upon digital evidence allegedly recovered from mobile phones, including WhatsApp chats, images of medicine boxes and communication between the present applicant and co-accused Nayan Rasikbhai. It is also the case of the prosecution that the NFSU forensic analysis of the mobile phone recovered from the applicant disclosed WhatsApp connectivity between the applicant and co-accused Nayan Rasikbhai, along with conversations relating to medicines, parcel

tracking and money transactions, including messages even on the date of the seizure. It is alleged that on 24.07.2024, details of an NCB vehicle were shared by the present applicant with co-accused Nayan Rasikbhai, which is an incriminating circumstance indicating that the accused was monitoring the process of the seizure as well.

9. It is the case of the prosecution that the supply chain of the seized Alprazolam tablets is traced to Aran Pharmaceuticals, Gwalior, then to Varni Medical Agency, Surat, then allegedly to Viva Sales, Dehradun, which was a firm registered in the name of co-accused Shahil Kumar. It is alleged that present applicant operated within a larger organised network involving co-accused Paras @ Bharat, Shahil Kumar, Manish Himmatbhai and Nayan Rasikbhai. It is further alleged that Nayan Rasikbhai, in his statement, disclosed that the demand for Alprazolam tablets had come from Amar Thakur. That the delivery address used for the parcel was provided by Amar Thakur and that billing in the name of Dehradun firms was done to conceal the actual supply of medicines to Amar Thakur in Mumbai.

10. It is further alleged that during investigation, on 11.08.2024, two more parcels booked by Berkeley Agencies were intercepted from DTDC, Samalkha, from which a total of 27,360 Tramadol capsules were recovered.

11. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the

present case. It is submitted that the applicant has already remained in custody for more than one year and four months and, therefore, deserves to be enlarged on bail.

12. It is further submitted that co-accused Paras @ Bharat has already been granted regular bail by this Court vide order dated 28.11.2025 and therefore, the present applicant is entitled to bail on the ground of parity. Learned counsel has emphasised that in the case of said co-accused, this Court had observed non-compliance of Section 105 BNSS regarding non-recording of seizure of mobile phones through audio-video electronic means and it is argued that the present applicant also stands on similar footing because the alleged recovery of mobile phone No. 9004286391 from him suffers from the same defect.

13. It has been argued that the applicant has no concern whatsoever with mobile number 9004286391 and that the CAF of the said number shows it to be in the name of one Abdul Syed Rajesh Mohammad Chaudhary and not in the name of the applicant. Similarly, it is argued that mobile number 9967399895, though mentioned on the parcel, is not registered in the name of the applicant but in the name of one Arshad Mohammad. Learned counsel submits that in the absence of subscriber details connecting the applicant, the prosecution has failed to establish even a prima facie nexus between the applicant and either of the said numbers.

14. Learned counsel has further contended that the alleged

recovery of mobile phone from the applicant is doubtful and planted. It is argued that the seizure memo shows the recovery to have been effected by SI Sandeep Kumar of NCB Delhi Zonal Unit, whereas the prosecution story itself says that the applicant had joined investigation at NCB Mumbai Zonal Unit office and was arrested therefrom. It is submitted that no officer from Mumbai Zonal Unit has been shown as witness to the alleged recovery and no independent witness was associated, thereby casting serious doubt on the genuineness of the seizure. According to the defence, there is also non-compliance of Section 105 BNSS inasmuch as the seizure was not recorded through audio-video electronic means.

15. Learned counsel has also argued that the prosecution has failed to establish any link of the applicant with the consignor Berkeley Agencies or the alleged consignee Ajay Pandey. It is argued that the consignee address was found non-existent and there is no documentary material to show that Ajay Pandey was in fact the present applicant or that the applicant had any connection with the said address. It is further argued that there is no material linking the applicant with the email ID allegedly used for the parcel transaction.

16. It is submitted that the prosecution's case regarding CDRs and location is vague, since merely showing "Mumbai" as the location of the relevant mobile numbers does not establish use by the applicant. It has also been argued that there are discrepancies in the IMEI numbers referred to by the prosecution and that the

device which allegedly operated number 9967399895 has not been recovered from the applicant. Similarly, learned counsel submits that the prosecution's allegation that the applicant contacted Rajesh Kumar from number 9004286391 is unsupported because the IMEI allegedly used at the time of such call does not match the IMEI numbers mentioned in the seizure memo.

17. It is further argued that even as per the prosecution's own case, co-accused Paras @ Bharat had stated that the seized Alprazolam tablets were handed over to him by Nayan Bhai and that he had himself booked the parcel from Dehradun through DTDC Courier. Learned counsel submits that in the entire statement of Paras @ Bharat, the present applicant was not named at all. It is argued that the prosecution's own material demolishes any suggestion of the applicant's involvement. Learned counsel has also argued that there is no financial transaction, no CDR connectivity with co-accused and no legally admissible material to connect the applicant to the alleged conspiracy.

18. Learned counsel has further attacked the relevance of the WhatsApp chats and images allegedly recovered from the mobile phone. It is submitted that the recovery in the present case pertains to Alprazolam and that some of the photographs/chats relied upon by the prosecution concern other medicines such as Tapentadol, Carisoprodol, Zolpidem or Tramadol. It is argued that these materials are irrelevant and cannot be read against the

applicant. It is also argued that once the seizure of the mobile phone itself becomes doubtful, all consequential electronic evidence becomes equally doubtful.

19. Another submission raised on behalf of the applicant is that the complaint itself reflects inconsistency regarding the quantity of the first recovery, inasmuch as in one place the quantity is shown as 4,97,400 tablets whereas elsewhere it is shown as 7,97,400 tablets. It is submitted that such discrepancy affects the credibility of the prosecution version. Learned counsel has also argued that the subsequent recoveries of Tramadol on 11.08.2024 cannot be used against the applicant, particularly when he had already joined investigation on 27.07.2024 and had been arrested on 28.07.2024. It is stated that no electronic evidence has been produced to connect the applicant with the email ID ajaypandey1487@gmail.com recorded on the parcel. It is stated that it is the accused Paras @ Bharat who is the owner of the Berkeley Agencies and who had received the tablets from Varni Medical Agency of accused Manish Himmatbhai. The accused had no connection with either of them. It is further submitted that the call with Anjani Courier relied upon by the prosecution from the alleged mobile no. 9004286391 was made much prior on 23.06.2024 and cannot be used against the accused. That there is no material produced to show that the accused was in Delhi or was attempting to get the parcel through the porter on the day of alleged seizure. That since, the mobile phone recovered from the accused is not shown to be owned by him, it cannot be said that the alleged photographs recovered

from it are related to the accused. It is lastly argued that the applicant has clean antecedents, will not misuse liberty and that bail is the rule while jail is an exception.

20. Per contra, learned Special Public Prosecutor for NCB has strongly opposed the application. He submits that the present application is a successive bail application and is not maintainable in the absence of any substantial change in circumstances, especially when the earlier bail application of the present applicant has been rejected not only by this Court but also by the Hon'ble High Court of Delhi on merits.

21. It is submitted that the grant of bail to co-accused Paras @ Bharat does not furnish a ground of parity because the role attributed to the present applicant is different and more serious. According to learned SPP, the present applicant was the receiver and intended distributor of the contraband and was coordinating movement of the parcel from a remote location using mobile phones, porter service and courier staff. It is further submitted that the evidentiary material against the present applicant is not confined merely to recovery of one mobile phone but extends to technical evidence, CDR analysis, IMEI linkage, digital extraction, WhatsApp chats, forensic report and statements of witnesses as well as co-accused.

22. Learned SPP further submits that subscriber details are not conclusive to determine the actual usage of a mobile number. He argues that the investigation has specifically revealed that the

applicant was using mobile numbers 9967399895 and 9004286391. That both numbers were found working on the same IMEI during different periods. That the number 9967399895 was used to book the porter and to remain in constant telephonic touch with DTDC staff, porter driver and Anjani Courier on the date of seizure and that number 9004286391 was found in possession of the applicant.

23. It is argued that the digital evidence extracted from the Samsung Galaxy S23 recovered from the applicant clearly shows WhatsApp communication with co-accused Nayan Rasikbhai about medicine business, orders, parcel tracking and transmission of photograph of medicine boxes. Learned SPP has stressed that the WhatsApp conversations further show continuous connectivity between the present applicant and co-accused Nayan Rasikbhai on 23.07.2024, i.e. the date of seizure and that on the very next day details of the NCB vehicle were transmitted by the applicant to co-accused Nayan, which is a highly incriminating circumstance.

24. Learned SPP further argues that statements of co-accused and material collected during investigation show that the applicant was part of a wider organised interstate network dealing in psychotropic/Narcotics medicines without licence. It is submitted that the supply chain has been unearthed and the present applicant's role as receiver and coordinator of illicit delivery has emerged from the investigation. He argues that the applicant cannot seek to separate each piece of prosecution

material in isolation at the stage of seeking bail.

25. It is further argued that the quantity recovered in the present case is massive commercial quantity and that the rigours of Section 37 NDPS Act squarely apply.

26. I have heard learned counsel for the applicant, learned Special Public Prosecutor for NCB and have perused the record carefully.

27. At the outset, it needs to be noted that the present application is the third bail application, although mentioned as second in its title. The first bail application of the present applicant was rejected by this Court on 08.08.2025. Thereafter, the applicant approached the Hon'ble High Court of Delhi and the said bail plea was also rejected on 07.11.2025. It is well settled that though a successive bail application is not barred in law, such an application must disclose a substantial change in circumstances after the earlier rejection. It is settled that when earlier bail applications have been rejected, the court considering a subsequent application must examine what fresh circumstance has arisen and must keep in view the earlier orders.

28. In the considered opinion of this Court, in the present case, no such substantial change in circumstance has been shown in the present matter so far as the merits of the prosecution case against the present applicant are concerned. The principal fresh ground pressed into service is the grant of bail to co-accused

Paras @ Bharat. It is well established that parity cannot be claimed in a mechanical manner and distinct role of each of the accused is to be considered when bail has been sought on the ground of parity. Merely because one co-accused has been granted bail does not automatically entitle every other co-accused to the same relief when the role attributed and the incriminating material are distinct.

29. A perusal of the prosecution's case would show that the present applicant is not implicated only on the basis of a statement of a co-accused or only on the footing that his name appears in some narrative. The prosecution attributes to him the role of intended receiver/coordinator of the seized consignment. The prosecution has relied upon the fact that the consignee address was fictitious and the delivery was being attempted through alternate courier/porter arrangements. It is also alleged that the porter was booked through number 9967399895 and that repeated contacts were made from that number to DTDC staff, porter driver and courier staff on the very date of seizure. That another number 9004286391 was recovered from the possession of the applicant and that both numbers were found to have operated on the same IMEI during different periods. Although, the said mobile phone has not been recovered from the possession of the accused, however, forensic extraction from the device allegedly recovered from him has yielded WhatsApp chats and other material connecting him to medicine trafficking and to co-accused Nayan Rasikbhai. In addition, the prosecution relies upon statements of co-accused which specifically point towards

demand originating from the present applicant. Thus, at this stage, the case against the present applicant cannot be said to be standing on the same footing as that of co-accused Paras @ Bharat. This fact has also been considered by the Hon'ble High Court of Delhi in the order dated 07.11.2025.

30. The argument of the Ld. Counsel regarding non-compliance of Section 105 BNSS in the matter of seizure of the mobile phone also does not persuade this Court to grant bail. Considering the overall material alleged against the present accused, the fact as to whether the seizure was or was not recorded through audio-video means of such omission vitiates the evidentiary worth of the seizure are all matters which would have to be tested during trial upon appreciation of evidence. At the stage of bail in a commercial quantity NDPS matter, every arguable infirmity in the mode of seizure does not per se leads to the conclusion that the accused is not guilty. More particularly, in the present case, the prosecution case against the applicant is not resting solely on the seizure memo of one mobile device. It is supported, at least prima facie, by CDR analysis, IMEI linkage, porter-booking data, statements of DTDC/porter/courier personnel, forensic extraction and inter se connectivity with co-accused. Thus, the parity argument founded upon the order passed in favour of co-accused Paras @ Bharat cannot be accepted as a ground sufficient to override the statutory bar.

31. The further submission of the applicant that both mobile numbers are registered in the names of third persons and,

therefore, cannot be attributed to him is again a matter which may have relevance at trial but is not by itself decisive at this stage. This fact has already been considered by the Hon'ble High Court of Delhi. The prosecution is not relying merely upon CAF details. It is specifically asserting actual usage by the applicant, IMEI continuity, recovery of one number from his possession and digital extraction from the recovered device. At the stage of bail, subscriber name and actual user need not necessarily coincide and the prosecution cannot be faulted merely because the CAF stands in somebody else's name.

32. The defence has pointed out certain discrepancies regarding IMEI numbers, tower details, specific location particulars and dates of calls. It has also argued that some of the digital material pertains to other medicines and not Alprazolam. In view of this Court, it is premature to give a finding in a bail order on these issues without appreciating the evidence. The stage of bail is not the stage for meticulous dissection of each technical record with a view to return a near-final finding on reliability. The Court is only required to see whether the material collected by the prosecution is such as to attract the rigours of Section 37 and whether there are reasonable grounds for believing that the accused is not guilty.

33. The quantity involved in the present matter is 7,97,400 Alprazolam tablets, which is far above commercial quantity. Therefore, Section 37 NDPS Act squarely applies. Bail cannot be granted unless 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.

34. Applying the aforesaid legal position to the facts of the present case, this Court is unable to record any satisfaction, even tentatively, that there are reasonable grounds for believing that the present applicant is not guilty.

35. The submission regarding long incarceration also does not, in the facts of the present case, persuade this Court to grant bail. A finding to this effect has already been given by the Hon'ble High Court of Delhi in its order dated 07.11.2025.

36. So far as the discrepancy regarding the quantity being mentioned at one place as 4,97,400 tablets and elsewhere as 7,97,400 tablets is concerned, the same is undoubtedly a matter which the defence may exploit during trial. However, at this stage, when the prosecution consistently asserts recovery of commercial quantity far above the notified threshold, such discrepancy by itself is not sufficient to reach the conclusion that the accused is not guilty. Likewise, the submission that the later Tramadol recoveries cannot be used against the applicant may be raised during the trial but cannot be taken to be conclusive so as to release the accused on bail at this stage.

37. In view of the above discussion, this Court is of the opinion that the applicant has failed to demonstrate any fresh circumstance of such substance as would justify reconsideration

of the earlier bail rejection orders. The plea of parity is misconceived in the facts of the present case. The material placed on record by the prosecution, at this stage, does not permit this Court to record the satisfaction mandated under Section 37 NDPS Act.

38. Consequently, the present application for regular bail is dismissed.

39. Nothing stated herein shall be construed as an expression on the merits of the case at trial.

40. 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.

41. 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/09.04.2026