

**IA 1/25 SC 94/25
FIR 468/24
PS Special Cell
STATE VS SANJAY SHUKLA**

04.09.2025

Present: Dr. Satish Shukla, Ld. Addl. PP for the State.
Sh. Raj Mohan Singh, Ld. Counsel for
applicant/accused (through VC)

Arguments heard.

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
04.09.2025**

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ORDER

1. Vide this order, I shall dispose off the 1st bail application u/s. 483, BNSS, 2023, moved on behalf of applicant/accused Sanjay Shukla 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 applicant/accused was arrested in the present case on 12.10.2024. The present applicant/accused has been falsely implicated in the present case. The case of prosecution has its genesis in the alleged secret information and a consequent raid conducted on 08.10.2024, wherein at the instance of the secret informer co-accused Vipin Mishra was apprehended while carrying a carton box, from which 31 boxes of NRx Tramadol Hydrochloride tablets USP 100 MG, Tramowell 100 tablets and each small box containing 50 strips of the contraband was recovered. Thereafter at the instance of co-accused Vipin Mishra one plastic sac was

recovered from an auto rickshaw, which was also found containing the contraband tablets of commercial quantity. Thereafter, co-accused Vipin Mishra allegedly took the raiding party to this rented accommodation and further recovery of 4 white coloured plastic sacs having 85.09 KG of powder, most likely Tramadol was recovered.

4. It is submitted by Ld. Counsel for applicant/accused that as per the case of the prosecution, the applicant/accused was arrested upon the disclosure statement of co-accused Vipin Mishra and he was apprehended, while the said co-accused was taken on PC remand. The alleged recovery of 519 grams of tramadol powder was planted upon the applicant/accused's house by the IO to falsely implicate him in the present case. The applicant/accused was working as delivery boy for co-accused Vipin Mishra and was drawing a salary of Rs. 10,000/- to 12,000/- per month. The case of the prosecution is highly unbelievable and no prudent person would believe that if the co-accused was already arrested, then the applicant/accused would still keep the contraband at his house, to be recovered two days after the arrest of the co-accused person.

5. It is submitted by Ld. Counsel for the applicant/accused that the investigation qua the applicant/accused is already completed and the chargesheet has been filed. The FSL result is still awaited and same is going to take long time. Furthermore, the chances of the trial being concluded in the reasonable time is highly remote and no purpose would be served by keeping him in

custody any longer and he is ready to abide with any condition that this Court may impose upon him.

6. Per contra, it is submitted by the Ld. Addl. PP for State that the allegations against the applicant/accused are extremely serious and he is been charged with committing the offences punishable u/s 22 (c) and 29 of the Act. There is a recovery of commercial quantity of the contraband from his house i.e. 519 grams of Tramadol tablets. The rigors of section 37 are fully applicable to the facts of the present case. Therefore, the State is strongly opposing the present application.

7. After considering the facts and circumstances of the present case, since there is a recovery of commercial quantity of contraband at the instance of the applicant/accused. The FSL result is still awaited. The prosecution is relying upon the CDR and cell location ID chart of the mobile phone of the applicant/accused. Co-accused Vimal Pandey and Sagar Rastogi are still absconding and they were declared PO by the ld. Predecessor of this court vide order dated 20.03.2025 and 25.04.2025, respectively. The possibility of applicant/accused jumping the bail and fleeing away from the hands of justice can not be ruled out. Furthermore, at this stage from the material available on the record, this Court cannot give any subjective finding of there being any strong reasonable suspicion of the accused not being guilty of the offences in question. Lastly, the continued incarceration in JC is no ground for consideration u/s 37 of the Act. Reliance is placed on the decision of the 3 Judge

Bench of the Hon'ble Supreme Court in "**NCB Vs Mohit Aggarwal**", Neutral Citation 2022:INSC:729. Therefore, in the considered opinion of this Court, no ground for grant of regular bail is made out at this stage. The present application stands disposed off accordingly.

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

9. Application is disposed off accordingly.

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

11. Copy of this order be sent to concerned Jail Superintendent, for necessary intimation to the applicant/accused.

ATUL AHLAWAT)
ASJ/SPECIAL JUDGE (NDPS)/
PHC/NEW DELHI/04.09.2025