

**IN THE COURT OF ASJ/SPECIAL JUDGE/NDPS
PATIALA HOUSE COURTS, NEW DELHI**

Presided by: Sudhir Kumar Sirohi, DHJS

SC No. 22/2025

NCB Vs. Amar Thakur & Ors. (Manish Himmat Bhai Viradia)

27.05.2025

Present: Sh. Akshay, Ld counsel on behalf of Sh Arun Khatri,
Ld SPP for NCB.
Sh. Manish Makkar, Ld counsel for applicant
(through VC).

Arguments on the bail application of accused already heard.

Ld counsel for accused submits that accused has been falsely implicated in the present matter and is in custody since 05.11.2024. It is further argued that no recovery has been effected from the possession of accused and even no forensic data has been obtained from the phone of accused which is incriminating against the accused/applicant. Further the prosecution is relying upon the whatsapp chat data recovered from the phone of accused Paras and the said data has not been recovered from phone of applicant/accused. It is further argued that applicant is having valid licence of pharmacy, therefore there is nothing incriminating if the applicant is sending medicines to VIVO Sales from Varni Medicos. It is further argued that the complaint has already been filed and the accused has crossed bar of Section 37 NDPS Act, therefore, may be admitted to bail.

Ld. counsel for accused relied upon the following judgments/orders:

1. *Vinod Nagar Vs. NCB, Bail Application no. 3149/2022 decided by Hon'ble High Court of Delhi on 19.02.2024.*
2. *Sanjay Kumar Saha Vs. State of NCT of Delhi, Bail Application no. 4126/2024 decided by Hon'ble High Court of Delhi on 13.11.2024.*
3. *Moin Khan Vs. State, Bail Application no. 1241/2023 decided by Hon'ble High Court of Delhi on 14.11.2024.*
4. *Abdul Rab Vs. NCB, Bail Application no. 3023/2024 decided by Hon'ble High Court of Delhi on 20.01.2025.*
5. *Ankush Vs. Directorate of Enforcement, Bail Application no. 3301/2024 decided by Hon'ble High Court of Delhi on 29.10.2024.*
6. *Javed Ali @ Javed Vs. NIA, CRL. A. no. 576/2024 decided by Hon'ble High Court of Delhi on 14.11.2024.*
7. *Vikramjit Singh Vs. NCB, Bail Application no. 4268/2024 decided by Hon'ble High Court of Delhi on 14.01.2025.*
8. *Tinku Vs. The State, Bail Application no. 422/2024 decided by Hon'ble High Court of Delhi on 24.12.2024.*
9. *Parvez Ahmed Vs. ED, Bail Application no. 1859/2024 decided by Hon'ble High Court of Delhi on 04.12.2024.*

Ld SPP for NCB and IO on another hand strongly opposed the bail application and argued that in the present matter, on the basis of secret information, on 23.07.2024, 797400 tablets of Alprazolam were recovered at DTDC courier and the sender of the same was Berkeley Agencies, Saraswati Vihar, Dehradun while address of receiver was Ajay Pandey, GHBH+M87, Mahipalpur, Rangpuri road, K block, New Delhi and phone no. 9967399895 has mentioned. The address of receiver was found to be non existant. Accused Amar Thakur tried to receive the courier through porter and the porter Mr Rakesh Kumar was sent by accused Amar Thakur, thereafter accused Amar Thakur was apprehended, the sender of the parcel was accused Paras @ Bharat and on the basis of disclosure of accused Paras, further

two parcels were recovered containing high quantity of psychotropic substance. Accused Amar Thakur disclosed that the contra-band was provided by accused/applicant along with co-accused Nayan Rasikbhai Gadhesaria. It is further argued that on 24.07.2024, accused Nayan Rasikbhai Gadhesaria sent whatsapp to the accused Amar Thakur w.r.t. contra-band and also sent the details of the parcel containing 497400 Alprazolam tablets to the accused Paras @ Bharat who was controlling Berkeley Agencies. It is also argued that the accused/applicant and co-accused Nayan Rasikbhai Gadhesaria were working together and the same has been found from the whatsapp chat recovered from the phone of co-accused Paras but the accused/applicant deleted the said chat through his phone number in his name is mentioned in chat (9023823407) with accused paras (882613027) and in the said chats accused/applicant is categorically stating about payment, talking about co-accused Nayan Rasikbhai Gadhesaria and sharing of 10 rupees note for hawala transaction (page no. 1114, 1124, 1125, 1128, 1129 of forensic data extraction). It is further argued that the accused/applicant is the main kingpin of narcotic syndicate, there is CDR connectivity with co-accused Paras. It is further argued that in this matter, there is recovery of commercial quantity of contra-band and the amount for contra-band was paid to hawala transactions, therefore, bail may not be granted to accused due to bar of section 37 NDPS Act.

Submissions of all parties heard.

Judgment/orders perused.

The allegations against the applicant/accused is that applicant is running a narcotic syndicate with co-accused Nayan Rasikbhai Gadhesaria. There is recovery of 797400 tramadol

tablets, the fake address with the name of Ajay Pandey was supplied by co-accused Nayan Rasikbhai Gadhesaria to accused Paras who was controlling Berkeley Agencies and sent the parcel. The whatsapp chat has been deleted by the applicant but was recovered from the phone of accused Paras in which they are talking about sending order for medicines alongwith involvement of co-accused Nayan Rasikbhai Gadhesaria, payment and the image of 10 rupees note was also recovered (page no. 1114, 1124, 1125, 1128, 1129 of forensic data extraction). There is also CDR connectivity of present accused/applicant with co-accused Paras, though the CDR is matter of trial but there is recovery of incriminating whatsapp chat alongwith number of accused /applicant, conspiracy is hatched in secrecy, whose direct evidence is difficult, therefore, at this stage, it cannot be said that there are reasonable grounds to believe that accused has not committed the offence or is not likely to commit offence again, there is definite bar u/s 37 NDPS Act as the commercial quantity of contra-band was recovered, accordingly, undersigned is not inclined to release the applicant/accused Manish Himmat Bhai Viradia on bail. Hence, the present application is dismissed.

Application stands disposed off accordingly.

Copy of the order be given dasti as well as be sent to accused in jail.

(Sudhir Kumar Sirohi)
ASJ/Spl. Judge, NDPS/N. Delhi
27.05.2025