

IA No. 7/26 SC No. 167/2025
FIR No. 04/2025
PS: Special Cell
U/s: 18/29 NDPS Act & 336(3)/340(2) BNS
State v. Anada Ram

09.04.2026

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Sh. Suchit, Ld. counsel for applicant/accused.

Vide my separate order of even date, the application filed on behalf of the applicant/accused Anada Ram, 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 application filed on behalf of the applicant/accused Anada Ram seeking grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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. The case of the prosecution, as emerging from the FIR, chargesheet and the reply filed to the present bail application, is that on 31.12.2024, a secret information was received regarding movement of two drug traffickers, namely Ajay @ Hanuman and Kailash, who were to deliver contraband opium at Sarai Kale Khan, New Delhi.

4. Acting upon the said information, a raiding team was constituted and a trap was laid. At about 9:15 PM, both the said persons were apprehended and upon search of their respective bags, a total recovery of 6.294 kg opium (2.994 kg from Ajay and

3.300 kg from Kailash) was effected.

5. During interrogation, both the accused disclosed that they had procured contraband from Manipur and that a substantial quantity of the same had been transported through the present applicant/accused Anada Ram (brother of accused Kailash) who was supposed to supply 3 Kg of the opium at Sarai Kala Kha.

6. On the basis of the said disclosure and technical surveillance, the present applicant was apprehended on 02.01.2025 from Guwahati, Assam. Upon search of his bag, 9 packets containing 8.150 kg opium were allegedly recovered. Thereafter, he was produced before the concerned Magistrate and transit remand was obtained.

7. During further investigation, another co-accused Vinod Yadav was apprehended with 16.252 kg opium concealed in a truck, thereby revealing a larger trafficking network involving transportation from Manipur to Delhi and Rajasthan.

8. The FSL report subsequently confirmed that the recovered substance was opium containing morphine. Chargesheet as well as supplementary chargesheet have been filed in the matter.

9. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. It is argued that the applicant has been in custody

since January 2025 and the investigation is already complete. The chargesheet has been filed and therefore no further recovery is to be effected from him.

10. It is further submitted that there are serious procedural lapses in the prosecution case. It is contended that no independent public witness was joined despite the alleged recovery taking place at public places. It is also argued that there are material contradictions in the chain of custody, including discrepancy in the weight of contraband and contradictions regarding deposit in the malkhana.

11. Learned counsel has further argued that the alleged contraband was not properly produced before the Magistrate and there are serious doubts regarding tampering, particularly in view of reduction in weight by 8 grams. It is also submitted that the arrest of the applicant is illegal as the grounds of arrest were not communicated in a language understood by him, thereby violating Section 47 BNSS and Article 22(1) of the Constitution.

12. Reliance has been placed on judgments including *Indrani Pratim Mukerjee vs CBI*, SLP CRL No. 1627/2022, dated 18.05.2022, *Rabi Prakash vs State of Odisha*, 2023 SCC OnLine SC 1109, *Gurbaksh Singh Sibbia vs State of Punjab*, (1980) 2 SCC 565 and *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1 to contend that prolonged incarceration and procedural lapses justify grant of bail and the purpose of bail is to secure the attendance of the accused during the trial. The reliance on the

judgments is also placed to argue that the disclosure statement of a co-accused cannot be read against the present applicant. The reliance is also placed on the case of *Mihir Rajesh Shah v. State of Maharashtra*, (2026) 1 SCC 500, in support of plea of bail on the ground of non supply of the grounds of arrest to the applicant.

13. It is further submitted that there is no money trail or independent evidence linking the applicant to any organized trafficking network and that the alleged implication is solely based on disclosure statements.

14. Per contra, learned Addl. PP for the State has strongly opposed the bail application. It is submitted that the present case involves recovery of commercial quantity of opium, both from co-accused as well as directly from the present applicant. It is further submitted that the applicant is an integral part of a well-organized interstate drug trafficking syndicate. It is argued that the recovery of 8.150 kg opium from the applicant is independent and substantive evidence against him and not merely based on disclosure statements. It is further submitted that the FSL report confirms that the seized substance is opium and thus the prosecution case stands corroborated.

15. Learned Addl. PP has further submitted that co-accused persons have already been denied bail and the role of the present applicant is equally grave. It is also argued that the rigours of Section 37 NDPS Act are attracted and the applicant has failed to satisfy the twin conditions. It is submitted that in case of release,

the applicant may abscond or tamper with evidence.

16. I have heard the learned counsel for the applicant and the learned Addl. PP for the State and have carefully perused the record.

17. At the outset, it is noted that the present case involves recovery of commercial quantity of contraband, both from co-accused as well as from the present applicant. The recovery of 8.150 kg opium from the applicant is itself a substantial and independent recovery. In such cases, the rigours of Section 37 of the NDPS Act are clearly attracted.

18. At this stage, the contentions raised by the applicant regarding discrepancies in weight, malkhana entries, and alleged procedural lapses are essentially matters of trial. The alleged reduction of weight by a marginal quantity and contradictions in deposit entries, prima facie, do not demolish the prosecution case at this stage, particularly when recovery is otherwise supported by seizure proceedings and FSL report.

19. Similarly, the contention regarding non-joining of public witnesses cannot be accepted as a ground for bail at this stage. It is well settled that absence of public witnesses is not fatal per se and the testimony of official witnesses cannot be discarded solely on that ground.

20. The argument regarding illegality of arrest and non-compliance of Section 47 BNSS also fails to persuade this Court as a perusal of the arrest document would show that the grounds of arrest to the effect that 8.150 Kgs of opium has been recovered from the possession of the accused leading to an inference of the accused committing a non-bailable offence has been categorically explained to the accused. Furthermore, the accused cannot be permitted to take benefit of the said plea at this belated stage without showing prejudice caused to him. Reliance in this regard is placed on the decision of the Hon'ble High Court of Delhi in the case titled *Karan Singh v. State NCT of Delhi*, in *Neutral Citation: 2026 : DHC: 570-DB*.

21. The reliance placed on Tofan Singh (Supra) is also misplaced at this stage, as the present case is not solely based on disclosure statements but involves direct recovery from the applicant.

22. The judgments relied upon by the applicant regarding long incarceration are also distinguishable, as the custody period of the applicant is not of such an extraordinary duration so as to dilute the rigours of Section 37 NDPS Act, particularly in a case involving a well-organized drug trafficking network and multiple recoveries.

23. In view of the above, this Court is not satisfied that there are reasonable grounds to believe that the applicant is not guilty of the alleged offences. The second limb of Section 37 also

cannot be said to be satisfied.

24. In view of the aforesaid discussion and considering the nature and gravity of allegations, the quantity of contraband involved and the statutory embargo under Section 37 NDPS Act, no ground is made out for grant of bail.

25. Accordingly, the present bail application filed by the applicant/accused Anada Ram is dismissed.

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

27. 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.

28. 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