

IA No. 2/2025 in SC No. 348/2025
NCB v. Gurdarshan Singh

31.01.2026

Present: Sh. Avnish Singh, Ld SPP for NCB.
Sh. Meghan, Ld. Counsel for applicant/accused.

Vide my separate order of even date, the present application 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.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
31.01.2026

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

**IA No. 2/2025 in SC No. 348/2025
NCB v. Gurdarshan Singh**

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ORDER

1. Vide this order, I shall dispose of the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Gurdarshan Singh for grant of regular bail. Reply filed by the IO.

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, in which similar relief has been sought.

3. It is submitted by Ld. Counsel for applicant/accused that the applicant/accused was arrested on 20.08.2024 in connection with the interception and seizure of one parcel at DHL Office, New Delhi, on the basis of a secret information allegedly

received at NCB DZU on 09.05.2024. The search of the said parcel led to recovery of total 961 grams of *opium* in three mango pickle jars. As per the case of the NCB, the KYC documents i.e. the Aadhar and PAN Card of the applicant/accused were annexed along-with the parcel booking form. The applicant/accused is completely innocent and his KYC documents have been mis-used by someone else and he has no link with the said parcel in question.

4. It is submitted by the Ld. Counsel for the applicant/accused that even if the case of the NCB is taken on its face value, the recovery in question pertains to intermediate quantity and the rigours of Section 37 of the Act are not applicable. There are 13 witnesses cited by the prosecution and the trial is going to take a long time. The applicant/accused has remained in custody for over 17 months and his case is fully covered in the ratio of the decision of Hon'ble High Court of Delhi in '*Gaurav Chopra v. State NCT of Delhi*', **Bail Application No. 1706/2024, date of decision 21.01.2025.**

5. Per contra, it is submitted by the Ld. SPP for NCB duly assisted by the IO that the applicant/accused is a habitual

offender and there are other cases registered against him of similar nature. The applicant/accused was involved in sending the contraband concealed in different articles and the parcels booked by him used to be addressed to different individuals sitting in other countries. Upon the secret information received at NCB, DZU Office, the search and seizure was conducted and from mango pickle bottles, large quantity of *opium* was recovered. The FSL result has come out positive. The applicant/accused had used his Aadhar and PAN Card to facilitate an international shipment. The applicant/accused was identified by the booking agent of the courier office situated at Faridkot, Punjab and he could be seen in the CCTV footage dated 01.05.2024, while booking the parcel in question. He had been tracking the shipment from the initial courier agency to DHL Express and he also has a WhatsApp chat with booking clerk Sutantarjot Singh, wherein he had sent the name and address of the consignee. The CDR and location ID chart is further corroborating his role. The applicant/accused is also involved in another case bearing Crime Number 15/CZU/2024, registered at Chandigarh Zonal Unit, wherein he had sent a similar parcel to Canada. Therefore, the present application is strongly opposed.

6. In rebuttal, It is submitted by Ld. Counsel for the

applicant/accused that the involvement in the other case is also pertaining to intermediate quantity and he has not been convicted in the said case. The applicant/accused had attempted to send the intermediate quantity of opium to Canada and in a similar case, the Hon'ble High Court of Punjab & Haryana had granted bail. The Ld. Counsel has placed reliance on the decision of Hon'ble High Court of Punjab & Haryana in '*Manvir Singh v. Union of India through NCB*', **Neutral Citation: 2025: PHHC: 144985**.

7. After considering the rival contention of the parties, considering the facts & circumstances of the present case, and considering the fact that although there is recovery of intermediate quantity of the contraband and rigours of Section 37 of the Act does not apply. Reliance is placed on the decisions of Hon'ble Supreme Court of India in "*Sami Ullaha Vs. Superintendent*", NCB, AIR 2009 SC 1357 and "*State of West Bengal Vs. Rakesh Singh*", MANU/SC/0854/2022. However, that does not translate that the offence has become bailable. The applicant/accused has sent the parcel in question containing the contraband through an international shipper, wherein he attempted to send the contraband concealed in eating items i.e. mango pickle jars. The FSL report has already come out positive for opium. The applicant/accused has been identified by the

independent witness i.e. the courier booking agent and he could also be seen in the CCTV Footage. The CDR and Cell Location ID Chart is further corroborating the case of the prosecution. The reliance placed on the decision of Hon'ble High Court of Delhi in ***Gaurav Chopra (Supra)*** is highly misplaced, since the facts of the said case are clearly distinguishable and the petitioner therein was not involved with any offence punishable U/s 23 of the Act. However, the applicant/accused had attempted to illegally export out of India the contraband through a parcel after clandestinely concealing the opium inside the mango pickle jars. Furthermore, the reliance placed on the decision of Hon'ble High Court of Punjab & Haryana in ***Manvir Singh (Supra)*** is also misplaced, since the major premise of granting the petitioner regular bail was that he was not having any criminal antecedents. However, the same is not the case here, since the applicant/accused is previously involved in a similar case registered at NCB, CZU.

8. 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 of accordingly.

9. Needless to say, nothing expressed herein shall have any

bearing on the merits of the case.

10. Application is disposed of accordingly.

11. Copy of the present order be given *dasti* and same be also sent to concerned jail superintendent, to be supplied to the applicant/accused.

(ATUL AHLAWAT)
ASJ/ Special Judge, NDPS/N. Delhi
Delhi/31.01.2026