

IA No. 1/25 in SC No. 360/25
FIR No. 163/25
PS Sarojini Nagar
State Vs Subodh Kumar And Anr.

24.01.2026

Present: Sh. A. B. Asthana, Ld. Addl. PP for the State
(through VC).
Sh. Rakesh Kumar, Ld. Counsel for
applicant/accused
IO of the case SI Anoop Kumar is present through
VC
IO has filed the reply. Copy supplied.
Arguments heard.
Put up for orders at 04.00 PM.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
24.01.2026

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at 04.00 pm

Present: Sh. A. B. Asthana, Ld. Addl. PP for the State
(through VC).
Sh. Rakesh Kumar, Ld. Counsel for
applicant/accused

Vide my separate order of even date, the present
application is dismissed and disposed of accordingly.

Copy of this order be given *dasti* as prayed for.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
24.01.2026

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

**Presided by: Atul Ahlawat, DHJS
IA No. 1/25 in SC No. 360/25
FIR No. 163/25
PS Sarojini Nagar
State Vs Subodh Kumar And Anr.**

24.01.2026

ORDER

1. Vide the present order, I shall dispose of the application filed by the applicant/accused Anil Mahto u/s 482 BNSS, 2023 seeking grant of anticipatory bail.

2. It has been submitted by the Ld. counsel for applicant/accused that no other bail application filed by the applicant/accused is pending before the Hon'ble Supreme Court of India, the Hon'ble High Court of Delhi or any other court qua the present matter.

3. IO had filed the reply to the present application. Same was perused carefully.

4. It has been submitted by the Ld. counsel for the applicant/accused that the present applicant is apprehending arrest at the hands of the police officials of PS Sarojini Nagar since he has been falsely implicated in the present case FIR registered on the statement of the co-accused person, which has no validity in the eyes of law. The Ld. Counsel has placed the

reliance on the decision of Hon'ble Supreme Court of India in '*Tofan Singh v. State of Tamil Nadu*', (2021) 4 SCC 1,

5. It has been submitted by the Ld. counsel for the applicant/accused that he never received any notice u/s 67 of the Act. There is no recovery which is to be effected from him and the entire case of the prosecution is based on the disclosure statement of the co-accused. The applicant/accused is ready to join the investigation, as and when called upon to do so and he may be granted the interim protection from arrest in the meanwhile.

7. It has been submitted by the Ld. counsel for the applicant/accused that the application / accused is ready to abide with any condition(s) that this court may impose while granting anticipatory bail to him and he undertakes to join the inquiry/investigation, as and when is directed to do so by the investigating agency.

8. It has been submitted by the Ld. Addl. PP for the State, duly assisted by the IO that the applicant/accused is the mastermind of the syndicate engaged in supplying the NDPS substances. The car in which co-accused Subodh Kumar was intercepted from, belonged to the applicant/accused and there is recovery of 68 tablets of MDMA (26 grams), that is commercial quantity from the said car. The present applicant/accused was managing and coordinating the delivery of the contraband and co-accused Subodh Kumar was working upon his instructions.

The supplier James is still absconding and even the handler/female courier namely Baby is yet to be apprehended. During the course of the investigation, repeated visits were conducted at the house of the applicant/accused, however, he has been evading arrest and his custodial interrogation is required for proper investigation of the present case. The recovery of the mobile phone of the applicant/accused is essential and the financial investigation qua the proceeds of crime is yet to be conducted. Unless the applicant/accused is arrested and is interrogated, the complete chain of the supply and delivery of the contraband would not be unearthed. The investigation is at the initial stages and considering the gravity of the allegations, leveled against the present applicant/accused, the State is strongly opposing the present application for grant of anticipatory bail.

9. I have carefully perused the reply filed by the IO and considered the submissions made by the parties and considering the nature of the offences and severity of the punishment prescribed for the said offences, coupled with the fact that the car from which the recovery of commercial quantity of the contraband was affected, belongs to the applicant/accused and as per the disclosure of the co-accused Subodh Kumar, it was at the instance and instructions of the applicant/accused, the co-accused was trafficking the contraband, when he was intercepted and apprehended. The applicant/accused is purposely avoiding the arrest and is absconding. Furthermore, as held by the Hon'ble Supreme Court of India in ***"Anarul S.K. Vs. State of West***

Bengal”, SLP CRL 12621/2021 and ***“State of Haryana Vs. Samarth Kumar,”*** MANU/SC/1173/2022, the grant of anticipatory bail in NDPS cases is a very serious issue and even if the case of the prosecution is only based upon disclosure statement of co-accused u/s 67, the benefit of the same can only be taken in regular bail application and same is no ground for grant of anticipatory bail.

10. The present application is devoid of any merit and no case for grant of anticipatory bail is made out.

11. It is needless to say that nothing stated herein shall tantamount to an opinion or expression on the merits of the case.

12. Copy of this order be given dasti to the parties.

13. Application stands disposed of accordingly.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
24.01.2026