

IA No. 6/2025
SC No. 333/2025
State Vs. Raghuvveer Roy @ Ravi
FIR No. 122/2025
PS: Crime Branch
U/s: 20(B)ii(C)/25/29 NDPS Act

12.01.2026

**ORDER ON APPLICATION FOR GRANT OF DEFAULT
BAIL FILED ON BEHALF OF THE APPLICANT/ACCUSED
RAGHUVVEER ROY @ RAVI**

1. This order of mine shall dispose of an application u/s. 187(3) BNSS for default bail filed on behalf of the applicant/ accused Raghuvveer Roy @ Ravi.
2. I have already heard the counsel for the applicant /accused and the Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant/accused Raghuvveer Roy @ Ravi submitted that the applicant/accused is quite innocent and was doing the business of fruits and vegetables and he has been falsely implicated in the present case. The present applicant/accused was arrested in the present case on 08.10.2025 on the basis of disclosure statement of co-accused persons and since then he is in judicial custody. However, he is not concerned with the alleged offence, as, nothing was recovered from or at the instance of the present applicant/ accused.
4. Ld. Counsel for the applicant/accused further submitted that in the present case, the chargesheet against the co-accused persons have already been filed, however, the chargesheet against the present applicant/accused has not been filed till date, and the same was to be filed within 60 days from the arrest of the present applicant/accused, therefore the present applicant/accused is entitled to be enlarged on default bail. He has also submitted that it may take

long time in concluding the trial and no fruitful purpose would be served by keeping the applicant /accused behind bars for indefinite period and submitted that applicant/accused is ready to abide by all the conditions imposed by Hon'ble court, if released on bail and prayed that the applicant /accused may be released on bail in the present case. In support of his contentions, Ld. Counsel for the applicant/accused referred the judgments of **Vicky Kaur v. State of Punjab, CRR 1785 of 2018 dated 13.08.2018; Amar Singh Ramjibhai Barot v. State of Gujrat, Appeal (Crl.) No. 1218 of 2005 dated 19.09.2005; Ashok Munilal Jain & Anr. v. Assistant Director, Directorate of Enforcement; Tofan Singh v. State of Tamil Nadu, 2020 SCC OnLine SC 882; Phundreimayum Yas Khan v. State of NCT of Delhi, SCC OnLine Del 135.**

5. On the other hand, Ld. Additional Public Prosecutor for the State submitted that in the present case, recovery of 348.176 kg Ganja has been effected from the co-accused persons namely Intezar and Rizwan and the recovered contraband was sent by the present applicant/accused and the same was destined to be supplied to co-accused persons namely Mohsin Malik and Vivek Jain. He has also submitted that the present applicant /accused has committed the offence u/s. 20(b)ii(C)/25/29 NDPS Act alongwith the co-accused persons, which is heinous in nature, so, he does not deserve the concession of bail and prayed for dismissal of the present application under consideration. Ld. Addl. PP for the State has also relied upon the judgment of **Awadhesh Yadav v. State Govt. of NCT of Delhi, Bail Appln. 1692/2023 dated 29.11.2023.**

6. In his reply, IO submitted that the present applicant/accused was arrested in the present case on 08.10.2025 for committing offences punishable under Sections 20(b)(ii)(C)/ 25/29 NDPS Act,

involving recovery of commercial quantity of contraband ganja, as revealed during investigation. The present case squarely falls under the provisions of Section 36A(4) of the NDPS Act, wherein the statutory period for completion of investigation and filing of chargesheet is 180 days, which may further be extended up to one year by the Hon'ble Court on a report of the Public Prosecutor indicating the progress of investigation and specific reasons for detention of the accused beyond 180 days.

7. IO has further submitted that the accused has wrongly calculated the statutory period and as computation of the statutory period clearly shows that the period of 180 days from 08.10.2025 is yet to be completed, and therefore, no indefeasible right to default bail has accrued in favour of the accused at this stage. He also refers the case of **Sanjay Dutt v State through CBI, (1994) 5 SCC 410** and also submitted that the investigation in the present case is being conducted diligently and expeditiously, and the delay, if any, is due to the complex nature of NDPS offences involving tracing of source, supply chain, financial trail, and involvement of other accused persons. The present applicant/accused is also having antecedents in about nine more cases of similar nature under the NDPS Act.

8. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld. Addl. PP for State and perused the record.

9. Perusal of the record shows that the applicant /accused was arrested in the present case on 08.10.2025. however, the chargesheet against the co-accused persons, who were arrested earlier, has already been filed. As per the reply filed by the IO, the investigation qua tracing of source, supply chain, financial trail, and involvement of other accused persons is still going on.

10. The case is registered under the provisions of the NDPS Act, as allegedly commercial quantity of Ganja i.e. 348.176 kg of Ganja was recovered from the co-accused persons, attracting the statutory period of 180 days for completion of investigation as prescribed under Section 36A(4) NDPS Act. The statutory period of 180 days has not yet expired.

11. Learned counsel for the accused submits that the accused has acquired an indefeasible right to default bail, as the statutory period of 60 days has expired and the bail application has been filed, however, chargesheet against the present applicant/accused has not been filed till date. Ld. Counsel for the applicant/accused has pointed out that the language of Sec. 36A(4) & Sec. 37 of NDPS Act are exactly similar and both the sections apply in case of offences punishable u/s. 19 or Sec. 24 or Sec. 27A or for offences involving commercial quantity. Ld. Counsel has further argued that in view of the recent judgments of Hon'ble High Court of Delhi, in case there is no recovery of any commercial quantity of the contraband, from a particular accused, the bar of Sec. 37 of NDPS Act does not apply in his case. Similarly, where there is no linkage of particular accused with the commercial quantity of recovered contraband, then in his case, the chargesheet is to be filed within 60 days and not within 180 days. On this ground, Ld. Counsel has argued that the applicant/accused has become entitled for default bail.

12. This court does not find force in the arguments raised by the Ld. Counsel for the applicant/accused. Admittedly, in the present case, 348.176 kg of Ganja was recovered from possession of co-accused persons namely Intezar Malik and Rizwan, which was sent by the applicant/accused and which was to be supplied to co-accused Mohsin Malik and Vivek Jain. The alleged contraband recovered in

the present case is of commercial quantity and chargesheet qua accused Intezar Malik and Rizwan has already been filed. The present applicant was arrested on 08.10.2025. No doubt, there is no recovery of any contraband from the possession of the applicant/accused, but the applicant/accused is being impleaded u/s. 29 of the NDPS Act, which provides for equal punishment. Both sections i.e. Sec. 36A(4) and Sec. 37 of the NDPS Act apply on different spheres and merely because languages in both the sections are similar do not mean that both will apply on same footings.

13. In the considered opinion of this court, in one single case there cannot be different time periods for filing of the chargesheet qua different accused persons. In the present case, since in the very beginning commercial quantity of contraband was recovered, the chargesheet in the present case qua every accused is to be filed within 180 days of arrest and there cannot be separate yardsticks qua each of the accused.

14. There is no dispute about the law laid down in the judgments being relied upon by the Ld. Counsel for the applicant /accused, but the same do not apply to the facts of the present case qua the present applicant/accused. In both the cases i.e. Vicky Gaur's case (supra) and Amar Singh' case (supra), it was observed that the contraband recovered from the accused persons cannot be clubbed so as to treat the case to be one involving commercial quantity of the contraband. This court also agrees with the proposition that the contraband recovered from the accused persons cannot be clubbed together. But, that does not mean that in the same case, chargesheet qua some of the accused can be filed within 180 days and qua other accused has to be filed within 60 days.

15. So, taking into consideration the fact that in the present case, the applicant/accused, having been arrested on 08.10.2025 for committing offences punishable under Sections 20(b)(ii)(C)/25/29 NDPS Act, involving recovery of commercial quantity of contraband ganja and the statutory period of 180 days under Section 36A(4) NDPS Act has not yet expired, therefore, the present applicant /accused is not entitled for default bail.

16. In the above terms, the application for grant of default bail filed on behalf of the applicant/accused Raghuvveer Roy @ Ravi is **dismissed**.

17. Dasti copies of this order be provided to the parties.

18. Attested copy of this order be also sent to the Superintendent of Central Jail, Tihar for supplying the same to this applicant/accused.

(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/12.01.2026