

IA No. 10/2026
SC No. 333/2025
State Vs. Mohsin Malik
FIR No. 122/2025
PS: Crime Branch
U/s: 20(b)(II)/25 NDPS Act

22.05.2026

**ORDER ON APPLICATION FOR REGULAR BAIL
FILED ON BEHALF OF THE APPLICANT/ACCUSED
MOHSIN MALIK**

1. This order of mine shall dispose of an application for grant of regular bail filed on behalf of the applicant/accused Mohsin Malik.
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 Mohsin Malik has submitted that the applicant/accused was arrested in the present case on 17.11.2025 and since then, he is in judicial custody. The applicant/accused has been falsely implicated in the present case, as no recovery of any kind has been attributed to the present accused, nor there is any recovery of any contraband or any digital device at the instance of the present applicant/accused. Ld. Counsel has also submitted that in the present case, investigation is complete and chargesheet has already been filed. No fruitful purpose would be served by keeping the applicant/accused behind bars any longer.

4. Ld. Counsel for the applicant has further submitted that the present applicant/accused has been roped in the present case, only on the basis of disclosure statement of co-accused person, however, the disclosure statement of the co-accused is inadmissible as per law, even name of the present applicant /accused does not figure in the present FIR. Ld. Counsel has also submitted that no financial transaction has been linked with the present applicant/accused in connection with sale/purchase of any kind of contraband, as the investigating agency has failed to put forth any details/connection with respect to the vehicle where the contraband in the current FIR was seized.

5. Ld. Counsel for the applicant has further submitted that the applicant/accused has no criminal antecedent and the applicant is completely innocent person, has no concern with the alleged offence. The applicant undertakes to appear before the Hon'ble Court on each and every date of hearing and he is ready to abide by all terms and conditions imposed by the Hon'ble Court and he also undertakes not to hamper/tamper with the prosecution evidence if he is released on bail and prayed for grant of bail.

6. On the other hand, Sh. F. M. Ansari, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for grant of bail and submitted that in the case in hand, 348.176 kg Ganja was recovered from 17 plastic bags kept in a truck loaded with watermelons and the said truck was being driven by co-accused Intezar Malik and helper Rizwan and

the said contraband was destined to be delivered to the present applicant/accused. He has also submitted that as per the CDRs, there were numerous telephonic calls between the present applicant/accused and co-accused Intezar Malik. The present applicant/accused has committed serious offences U/s. 20(b) (II)/25 NDPS Act and there is possibility of hampering with the witnesses and tampering with the evidence, if the applicant/accused is released on bail at this stage and prayed for dismissal of the present application under consideration.

7. As per the reply filed by the IO, in the present case, commercial quantity of contraband i.e. 348.176 kgs Ganja has been recovered from the co-accused persons. There is CDR/IPDR connectivity between the present applicant/accused and co-accused persons. The present applicant/accused was also previously involved in four more cases, out of which, two cases are under the NDPS Act. There are monetary transactions among the accused persons including the present accused.

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

9. Perusal of the record reveals that in the case in hand, 348.176 kg Ganja was recovered from the co-accused persons and the contraband recovered in the present case, falls within the category of commercial quantity, as per the NDPS Act.

10. The Hon'ble Supreme Court of India in "**Union of India v. Ram Samujh and Anr. Appeal (Crl.) 866 of 1999**" while

dealing with bail matter relating to the commercial quantity of contraband was pleased to observe as under:-

To check the menace of dangerous drugs flooding the market, the Parliament has provided that the person accused of offences under the NDPS Act should not be released on bail during trial unless mandatory conditions provided in Section 37, namely,

(i) there are reasonable grounds for believing that accused is not guilty of such offence; and

(ii) that he is not likely to commit any offence while on bail, are satisfied. The High Court has not given any justifiable reason for not abiding by the aforesaid mandate while ordering the release of the respondent accused on bail. Instead of attempting to take a holistic view of the harmful socio-economic consequences and health hazards which would accompany trafficking illegally in the dangerous drugs, the Court should implement the law in the spirit with which the Parliament, after due deliberation, has amended.

11. As per the reply filed by the IO, there is CDR/IPDR connectivity between the present applicant/accused and co-accused persons. No doubt, the disclosure statements of co-accused persons are not per se admissible, as a strong piece of evidence, but, in the present case, it is not that the present applicant/accused has been chargesheeted only on the basis of the disclosure statements of the co-accused persons. The prosecution has relied upon the transcript of phone conversation

between Raghuveer Roy @ Ravi and wife of the accused Intezar Malik recovered from the mobile phone of present applicant /accused, which is dated 21.05.2025. The said conversation appears to be quite relevant so far as present case is concerned. No doubt, in the said conversation, there is nothing specific about Ganja, but the context of the conversation clearly shows that the two persons were talking about some vehicle, which was not traceable. Admittedly, at that time, the said vehicle (truck) was already seized by the raiding team. Part of the recovered Ganja was to be supplied to the present applicant/accused. There are statement of the witnesses on record showing that the said vehicle was sold to the present applicant/accused i.e. the present applicant/accused was the owner of the said truck. Moreover, the GPS installed in the said truck was purchased by the present applicant/accused.

12. In the present case, there is enough material on record against the present applicant/accused not only in the form of transcripts of conversation having taken place between accused Raghuveer Roy and wife of the accused Intezar Malik recovered from his phone, but also the fact that he was in regular contact with other accused persons right from procurement and transportation of the alleged contrabands till they were seized by the raiding team. Moreover, there are financial transactions between the present applicant/accused and other accused persons. Thus, there is ample evidence on record prima facie showing involvement of the present applicant /accused in commission of

the alleged offence. Moreover, as per the reply filed by the IO, the present applicant/accused was also previously involved in four more criminal cases, out of which, two cases are under the NDPS Act.

13. It is now well settled that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail. In **Siddharam Satlingappa Mhetre v. State of Maharashtra, Criminal Appeal No.2271 of 2010**, the Hon'ble Supreme Court has insisted upon striking a perfect balance of sanctity of an individual's liberty as well as the interest of the society, in grant or refusing bail. The relevant extract of the judgment (supra) is reproduced hereinafter:-

“3. The society has a vital interest in grant or refusal of bail because every/criminal offence is the offence against the State. The order granting or refusing bail must reflect perfect balance between the conflicting interests, namely sanctity of individual liberty and the interest of the society. The law of bails dovetails two conflicting interests namely, on the one hand, the requirements of shielding the society from the hazards of those committing crimes and potentiality of repeating the same crime while on bail and on the other hand absolute adherence of the fundamental principle of criminal jurisprudence regarding presumption of innocence of an accused until he is found guilty and the sanctity of individual liberty.”

14. In **Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528**, wherein, the Hon'ble Supreme Court held that:

"11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other circumstances, the following factors also before granting bail; they are: (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence. (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. (c) Prima facie satisfaction of the Court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh..."

(Emphasis supplied)

15. Admittedly, in the present case, 348.176 kg of Ganja was recovered from possession of co-accused persons, part of which was to be supplied to the present applicant/accused. The alleged contraband recovered in the present case is of commercial quantity and chargesheet, qua the present applicant/accused has already been filed. 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. 25 & 29 of the

NDPS Act, which provides for same punishment. To add to it, the present applicant/accused has been found involved in 4 other cases, 2 of which are under the NDPS Act only.

16. So, taking into consideration the fact that in the present case, the applicant/accused, having been arrested on 17.11.2025 for committing offences punishable under Sections 20(b)(ii)(C)/25/29 NDPS Act, involving recovery of commercial quantity of contraband ganja, therefore, the present applicant/accused is not entitled for regular bail.

17. In the above terms, the application for grant of regular bail filed on behalf of the applicant/accused Mohsin Malik is **dismissed**.

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

19. 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/22.05.2026