

Bail Matters 485/2026
STATE Vs. VIKASH SINGH
FIR No. 296/2025
PS- (Crime Branch-South East)
u/s 22/25/8(c)/29 of NDPS Act

04.04.2026

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Vikash Singh for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Chander Mohan Rathi and Sh. Mohit Panchal,
Ld. Counsel for the applicant/accused.
IO/Inspector Yashendra Singh.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Vikash Singh. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 04.11.2025. Ld. Counsel further submitted that the applicant/accused has been falsely implicated in the present matter as he has nothing to do with the alleged offences. Ld. Counsel further submitted that the contraband in the present matter was recovered from the premises of co-accused Mohd. Abid, however, nothing incriminating has been recovered either from the possession of the applicant/accused or at his instance and there is no cogent evidence or admissible link between the applicant/accused and the contraband. Ld. Counsel further

submitted that in the present case, co-accused Sunil Kumar has already been granted bail by the Hon'ble High Court vide order dated 13.02.2026 and therefore, the present applicant/accused may also be granted bail on the ground of parity as the case of the present applicant/accused stood upon the same footing as of co-accused Sunil Kumar. Ld. Counsel further submitted that the applicant/accused has not been named in the present case FIR and he was arrested merely on the disclosure statement of co-accused, whose own arrest was made on the basis of disclosure statement of another co-accused and also not named in the FIR and that the law with regard to the disclosure statement not being admissible is well settled. Ld. Counsel further submitted that the applicant/accused has never used his name as Vikash @ Ishwar Yadav. He also submitted that the applicant/accused has clean past antecedents. Ld. Counsel thus, submitted that the applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail.

3. *Per contra* Ld. Addl. PP for the State along with IO Inspector Yashendra Singh vehemently opposed the bail application citing the gravity of the offence as one of the main grounds. Ld. Addl. PP submitted that applicant/accused is a part of drug nexus which sell narcotics drugs and that the drug menace is affecting the entire society and especially it is targeting the younger generation and it affects the economy of the country and that illicit money is being used for drug trafficking which is a serious offence and the persons involved in the illicit drug

trafficking are destroying the social fabric of society and leading youth to wrongful path. Ld. Addl. PP along with IO further submitted that in the present matter, commercial quantity of the contraband has been recovered. Ld. Addl. PP further submitted that the investigation is still at an initial stage and the chargesheet is yet to be filed and therefore, if he is granted bail, he may flee from criminal justice system. Thus, the applicant/accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

6. During the course of arguments, it was brought to the fore that in this case, on 07.10.2025 on the basis of secret information, accused Mohd. Abid was arrested and from his possession, 14.472 kg og 'tramadol tablets' were recovered and during the course of investigation on 30.10.2025 the co-accused Javed Khan was arrested and he disclosed the name of another

co-accused Sunil Kumar and further, on his disclosure, the co-accused Sunil Kumar was arrested on 02.11.2025 and he disclosed the name of source as Vishnu Dutt Mundal and thereafter, after the arrest of co-accused Vishnu Dutt Mundal, he disclosed the names of remaining co-accused persons including the present applicant/accused. In this regard, it is relevant to note that while the veracity of the disclosure statement of the said co-accused is to be tested at the time of the trial, I cannot lose sight of the decision of the Hon'ble Supreme Court in **Toofan Singh vs. State of Tamil Nadu (2021) 4 SCC 1 CrI. Appeal No. 152 of 2013**, wherein it was held that a disclosure statement made under Section 67 of the NDPS Act is impermissible as evidence without corroboration. The relevant paragraphs of the said judgment is as under:-

“155. Thus, to arrive at the conclusion that a confessional statement made before an officer designated under Section 42 or Section 53 can be the basis to convict a person under the NDPS Act, without any non obstante clause doing away with Section 25 of the Evidence Act, and without any safeguards, would be a direct infringement of the constitutional guarantees contained in Articles 14, 20(3) and 21 of the Constitution of India.

156. The judgment in Kanhaiyalal then goes on to follow Raj Kumar Karwal in paras 44 and 45. For the reasons stated by us hereinabove, both these judgments do not state the law correctly, and are thus overruled by us. Other judgments that expressly refer to and rely upon these judgments, or upon the principles laid down by these judgments, also stand overruled for the reasons given by us.

157. On the other hand, for the reasons given by us in this judgment, the judgments or

Noor Aga and Nirmal Singh Pehlwan v. Inspector, Customs are correct in law.

158. We answer the reference by stating:

158.1. That the officers who are invested with powers under Section 53 of the NDPS Act are “police officers” within the meaning of Section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of Section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act.

158.2. That a statement recorded under Section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS Act.”

7. Insofar as the CDRs are concerned, I may note that the evidentiary value of the same has to be seen at the stage of the trial. On this, I am supported by the judgment of the Supreme Court in **State (by NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.: (2022) 12 SCC 633**, the relevant paragraph of which reads as under:-

"12. It has been held in clear terms in *Tofan Singh v. State of T.N.* [*Tofan Singh v. State of T.N.*, (2021) 4 SCC 1 : (2021) 2 SCC (Cri) 246], that a confessional statement recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act. In the teeth of the aforesaid decision, the arrests made by the petitioner NCB, on the basis of the confession/voluntary statements of the respondents or the co-accused under Section 67 of the NDPS Act, cannot form the basis for overturning the impugned orders [[Pallulabid Ahamad Arimutta v. State](#), 2019 SCC OnLine Kar 3516] , [*Mohd. Afzal v. Union of India*, 2020 SCC OnLine Kar 3433] , [*Munees Kavil Paramabath v. State*, 2020 SCC OnLine Kar 3431] , [*Abu Thahir v. State*, 2019 SCC OnLine Kar 3517] , [*Mohd. Afzal v. Union of India*, 2020 SCC OnLine Kar 1294] , [*Munees*

Kavil Parambath v. State of Karnataka, 2020 SCC OnLine Kar 3432] releasing them on bail. The CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial. For the aforesaid reason, this Court is not inclined to interfere in the orders....."

8. Further, in the case of **Tanay Khatri vs. State of NCT of Delhi Bail Application No. 2517 of 2024** decided on 10.09.2024, the Hon'ble High Court observed as under:

"11.At this stage, there is no other evidence to show that the applicant is involved in any manner with the accused Sahil. Admittedly no recovery has been affected from the applicant and in such circumstances because the applicant was in touch with the co-accused the bar of Section 37 NDPS Act is not attracted. The Courts are not expected to accept every allegation made by the prosecution as a gospel truth."

9. Further, during the course of arguments, it was brought to the notice of this court that in the present matter, investigation has already been completed and the chargesheet of the case has also been filed before this court. Admittedly, no recovery has been effected from the possession of the present applicant/accused. So far as submission of Ld. Addl. PP on the photographs of the psychotropic medicines shared during chats is concerned, that has also not been found in the mobile phone of the present applicant/accused Vikash Singh. Further, in the present matter, co-accused Sunil Kumar has already been granted bail by the Hon'ble High Court of Delhi vide order dated 13.02.2026. Besides that, the trial of the case is likely to take a \

considerable long time. Speedy trial in such circumstances does not seem to be a possibility.

10. It is also apposite to reproduce the relevant extract/para of the case of **Phundreimayum Yas Khan vs. State (NCT of Delhi): 2023 SCC OnLine Del 135**, where the Hon'ble High Court observed as under:

“Prosecution case was solely based on disclosure statement of co-accused which is per se not admissible without any corroboration. Case of prosecution that statement of accused lead to the discovery of other co-accused, i.e. alleged main supplier of contraband. No new fact was disclosed by accused regarding co-accused. Co-accused was neither found, nor arrested. Disclosure statement made under Section 67 of NDPS Act by accused cannot be read against him. Contraband of commercial quantity was not recovered from possession of accused. No monetary transactions, bank statement or finances that shows the sale/purchase of prohibited narcotic substance between accused and co-accused. Mere existence of calls between accused and co-accused cannot be a ground to deny bail. Rigors of Section 37 of NDPS Act would not be applicable.”

10. In the aforementioned circumstances, taking into account the submissions and the fact that investigation is complete, chargesheet has already been filed and the fact that the present applicant/accused has been arrested only on the basis of disclosure statement of co-accused and that no recovery has been effected from the possession of the present applicant/accused or at his instance, the co-accused Sunil Kumar has already been enlarged on bail by the Hon'ble High Court and also, no previous involvement of applicant/accused has been reported by the IO in any other criminal case except the instant one and the fact that

the trial of the case will take long time, I deem it fit to grant regular bail to accused Vikash Singh, on his furnishing personal bond with surety bond of Rs. 50,000/- with one surety in the like amount, subject to following conditions:

i) The applicant/accused shall not leave the country without the prior permission of the court;

ii). The applicant shall provide her permanent address to the court. The applicant shall intimate the court by way of an affidavit and to the IO regarding any change in the residential address;

iii). The applicant shall surrender his passport to the Investigating Officer, within three days. If he does not possess the same, he shall file an affidavit before the Investigating Officer to that effect within the stipulated time.

iv) The applicant shall appear before the court as and when the matter is taken up for hearing;

v) The applicant shall also furnish his mobile numbers and mobile numbers of his surety to the IO concerned, which shall be kept in a working condition at all times and shall not be switched off or changed without prior intimation to the IO concerned.

vi) The applicant shall not communicate with or come in contact with any of the prosecution witnesses or tamper with the evidence of the case while being released on bail.

vii). The application shall report to the Investigating Officer at PS Crime Branch, Delhi once every month in the first week of the month.

11. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

12. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

13. Copy of this order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /04.04.2026