

Bail Matters 526/2026
STATE Vs. JAVED KHAN
FIR No. 296/2025
PS- (Crime Branch-South East)

03.06.2026

File taken up today on an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Javed Khan for grant of regular bail.

Present: Sh. Yogendra Singh, Ld. Addl. PP for the State.
Sh. Raees Khan, Sh. Khubaib Khan, Sh. Abdul Asad
and Sh. M. N. Khan, Ld. Counsel for the
applicant/accused.

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

2. Ld. Counsel for the applicant/accused submitted that except the present application, no other bail application of the applicant/accused is pending before any other Hon'ble court.

3. Succintly speaking, the case of prosecution is that on 07.10.2025, Crime Branch received secret information regarding illegal storage and supply of psychotropic medicines by accused Mohd. Abid at Madanpur Khadar, Delhi. A raid was conducted and 54,000 tablets of Tramadol Hydrochloride weighing 14.472 kg were recovered from his possession, which falls under commercial quantity. During investigation, Mohd. Abid disclosed that the contraband was supplied by accused Javed Khan.

4. Investigation further revealed that accused Javed Khan, in conspiracy with co-accused T.S. Sadana, Sunil Kumar and Vishnu Dutt Sharma, had arranged storage and export of psychotropic medicines through warehouses and export channels. Accused Vishnu Dutt Sharma, proprietor of Mudgal Exports, instructed co-accused Sunil Kumar to store the consignment at Prahalad Logistics, Samalkha and further arranged delivery of part of the contraband to accused Vikash Singh @ Ishwar. WhatsApp chats, mobile phone data and warehouse records revealed active involvement of all accused persons in the illegal trade and export of psychotropic medicines. Investigation further revealed that the remaining 32 cartons of contraband were concealed with household goods and dispatched for Birmingham, UK through Mundra Port, Gujarat.

5. On interception and search of the container at Mundra Port, huge quantity of psychotropic medicines including Tramadol, Alprazolam, Zolpidem and Nitrazepam weighing about 379.15 kg were recovered, which is far beyond commercial quantity. The FSL report confirmed presence of Tramadol. Investigation established conscious possession, knowledge and active participation of the accused persons in an organized illegal trade and attempted export of psychotropic substances.

6. Learned counsel for the applicant/accused pressed following grounds for grant of bail. He argues that the applicant/accused has been languishing in JC since 30.10.2025, in a false case; that the applicant/accused has been falsely implicated in the present matter as he has nothing to do with the

alleged offences; that nothing incriminating has been recovered either from the possession of the applicant/accused or at his instance; 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 co-accused Vikash Singh has also been granted bail by this court vide order dated 04.04.2026 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 those co-accused persons; that the present applicant/accused was arrested merely on the disclosure statement of co-accused Mohd. Abid and that the law with regard to the disclosure statement not being admissible is well settled; 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.

7. *Per contra* Ld. Addl. PP for the State along with IO vehemently opposed the bail application on the grounds 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; that in the present matter, commercial quantity of the contraband has been

recovered; that the charges are yet to be framed and prosecution witnesses are yet to be examined in the matter and therefore, if he is granted bail, he may flee from criminal justice system. Thus, the applicant/accused ought not to be granted bail.

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

9. At the threshold it must be reiterated that bail proceedings are not an occasion for conducting a mini-trial. The Courts must on the basis of material placed before it assess if there are reasonable grounds to believe that the accused is not guilty and that, if released, he is not likely to commit any offence while on bail- the statutory twin conditions required under Section 37 of the NDPS Act. The Supreme Court in **Union of India v. Shiv Shanker Kesari, (2007) 7 SCC 798; Union of India v. Ram Samujh, (1999) 9 SCC 429; and Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496** has repeatedly cautioned that where grave offences involving narcotic drugs are alleged, the Court must exercise caution while considering bail and must have regard to the nature and magnitude of the offence, the role attributed to the accused, antecedents and the likelihood of the accused misusing liberty.

10. At the outset, it is necessary to note that the allegedly recovered effected from the container belonging to export company of co-accused/company is approximately 379.15 kg of psychotropic substance. The quantity is not merely a commercial quantity, but an extraordinary large quantity indicating organized trafficking. Thus, the rigorous of Section 37

NDPS Act is fully attracted in the present case. Hence, the court before granting bail is bound to record satisfaction that there are reasonable grounds for believing that the applicant/accused is not guilty of the alleged offence and is not likely to commit any offence while released on bail.

11. Expression 'reasonable grounds' as explained by the Hon'ble Apex Court and the Hon'ble Delhi High Court means such substantial grounds which satisfy the court even without meticulous examination that the accused is not guilty of the offence as alleged. Reliance can be placed on the case of **Collector of Customs v. Ahmadalievva Nodira, (2004) 3 SCC 549**. The relevant extracts of the same are reproduced as under:

"The expression "reasonable grounds"..means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence: The reasonable belief contemplated in the provision requires existence of such, facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence "

12. In the present matter, the prosecution has not relied solely upon the disclosure statement of co-accused Abid from whom recovery of 14.472 kg of psychotropic substances was effected but also upon other circumstances connecting the applicant/accused to the recovered psychotropic substance.

13. Amongst all the circumstances, the most relevant is the incriminating whatsapp chats including the photographs of the 'prohibited medicines' which was recovered from the mobile phone of co-accused Abid as well as from the mobile number 8287050860 which was found to be registered in the name of

wife of the applicant/accused. Further, there are incriminating chats as well as the photographs of prohibited medicines in particular 'tramadol' between the present applicant/accused and the other co-accused and in particular with Rohit Sadana @ T. S. Sedana at whose instance the present applicant/accused is allegedly said to have first contacted Ankit to transport the medicine and after his refusal to co-accused Sunil Kumar who ultimately agreed to store the prohibited medicine at his warehouse.

14. Status report further reveals that the applicant/accused arranged movement of 40 cartons of 'Tramadol' to Prahalad Logistics to get it transported to UK through the container of co-accused Vishnu Dutt Sharma. Out of 40 cartons supplied to Prahalad Logistics, 32 cartons were allegedly recovered from the container of co-accused Vishnu Dutt Sharma with whom the applicant/accused as well as the other co-accused persons have CDRs connectivity as well as incriminating chats.

15. In an offence involving criminal conspiracy under Section 29 of the NDPS Act direct physical recovery is not always necessary, if the other circumstances prima facie indicates participation of conspiracy.

16. The quantity involved is extraordinarily huge quantity and the allegations as discussed above reveals a coordinated operation involving multiple persons and locations.

17. Equally, unpersuasive is the arguments regarding parity with co-accused Vikas and Sunil Kumar. Parity is not

mechanically principle and the court is required to examined his specific role attributed to each accused. The role assigned to co-accused Sunil Kumar was that of a warehouse owner, who allegedly received the cartons containing the contraband on behalf of the applicant/accused and that of co-accused Vikas is that of receipt and carrier of 8 carton boxes. In contrast, the present applicant/accused is alleged to have coordinated storage, movement and export of the contraband. There is incriminating chats between the applicant/accused and co-accused persons including the photographs/chats relating to prohibitive medicines i.e. Tramadol.

18. In light of the abovesaid facts the court is unable to arrive at satisfaction that there exist reasonable grounds for believing that the applicant/accused is not guilty of the alleged offences. Thus, first condition as contemplated Section 37 of NDPS Act remains unsatisfied which consequently attracts the statutory embargo contained Section 37 against the applicant/accused.

19. As far as the issue of admissibility and reliability of electronic evidence as alleged to be collected during the investigation against the applicant/accused the same is to be dealt during trial, at this stage the court is not expected to conduct meticulous examination as that would tantamount to conducting the mini-trial, which is impermissible.

20. In the aforementioned circumstances, I am of the opinion that bail ought not to be granted to the accused Javed

Khan at this juncture. Accordingly, the present bail application is hereby dismissed.

21. 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.

22. 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.

23. Copy of the order be given dasti.

(HONEY)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /03.06.2026