

Bail Matters 676/2026  
STATE Vs. RAJ KUMAR PAL  
FIR No. 407/2025  
PS- (Jaitpur)  
u/s 20/29/61/85 of NDPS Act

13.03.2026

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

Present: None for the State.  
Sh. Shan-ul-Islam, Ld. Counsel for the  
applicant/accused.  
IO/PSI Amrita is present.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Rajkumar Pal. 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 08.12.2025 and this is the 2<sup>nd</sup> regular bail application filed on his behalf as his first regular bail application was dismissed by this court on 27.02.2026. 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 nothing incriminating has been recovered either from the conscious possession of the applicant/accused or at his instance and the implication of the applicant/accused is based on alleged call detail records and

statements which are weak piece of evidence and are matters of trial. Ld. Counsel further submitted that in the present matter, co-accused Shamshad has been granted bail by the Hon'ble High Court vide order dated 09.03.2026 and therefore, the present applicant/accused may also be granted bail. Ld. Counsel further submitted that the alleged recovery shown by the prosecution is doubtful and the mandatory provisions of NDPS Act have not been complied with and there are material contradictions and procedural lapses and that the applicant/accused was arrested merely on the disclosure statement of co-accused and that the law with regard to the disclosure statement not being admissible is well settled. He also submitted that the applicant/accused has clean past antecedents and is a permanent resident of Odissa. Ld. Counsel further submitted that in the present matter, investigation has already been completed and chargesheet has also been filed and therefore, no fruitful purpose would be served by keeping the applicant/accused behind the bars. 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. In support of his submissions, Ld. Counsel placed reliance upon **Sabir Ali @ Sikku vs. The State NCT of Delhi Bail Application No. 4842 of 2025 decided on 09.01.2026.**

3. *Per contra* IO vehemently opposed the bail application citing the gravity of the offence as one of the main grounds. IO submitted that there is no change in circumstances

since the dismissal of his previous regular bail application by this court. IO further submitted that in the present matter, commercial quantity of the contraband i.e. 32.200 kg has been recovered and the present applicant/accused was found to be involved in transportation of contraband substance. 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.

6. During the course of arguments, it has been brought to the notice of this court that this is the 2<sup>nd</sup> regular bail application moved by the applicant/accused. The first bail application was dismissed by this court on 27.02.2026. During the course of arguments, it has been submitted that no change of circumstances has been brought forth by the learned counsel for applicant/accused to enable this court to pass the order on the successive bail application listed today for hearing as the charges of the case are yet to be framed in the matter. So far as the plea taken by the Ld. Counsel for the applicant/accused on the parity

with the co-accused Shamshad who has been granted bail by the Hon'ble High Court vide order dated 09.03.2026, is concerned, I find that the ground of parity does not apply here since the role played by the present applicant/accused is entirely different from that of the co-accused Shamshad. The allegations against the co-accused Shamshad were that he was driving the vehicle from where the alleged contraband was recovered and that he had knowingly facilitated the transportation of 'ganja', whereas the allegations against the present applicant/accused are that there were incriminating chats related to the 'ganja' supplied between present applicant/accused Raj Kumar and the main accused Rani in the mobile phone recovered from Rani and further, the CDRs of the applicant/accused with other accused showed that the present applicant/accused was involved in the supply of ganja and therefore, after issuance of NBW, he was arrested from Bahrampur, Orissa and now, his mobile phone has been sent to the FSL Rohini for forensic examination.

7. In the case of **Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana (Koli) and Anr. (2021) 6 SCC 230**, the Hon'ble Apex Court observed that while utilizing parity as a ground for bail, the same must focus on the role of the accused and cannot be utilized solely because another accused person was granted bail in connection with the same offence, and neither can this ground be claimed as a matter of right.

8. The Hon'ble Allahabad High Court in the case of **Nanha v. State of U.P. 1992 SCC OnLine All 871** observed as under:

“24. My answer to the points referred to us is that parity cannot be the sole ground for granting bail even at the stage of second or third or subsequent bail applications when the bail applications of the co-accused whose bail application had been earlier rejected are allowed and co-accused is released on bail. Even then the court has to satisfy itself that, on consideration of more materials placed, further developments in the investigations or otherwise and other different considerations, there are sufficient grounds for releasing the applicant on bail. If an examination of a given case, it transpires that the case of the applicant before the court is identically similar to the accused on facts and circumstances who has been bailed out, then the desirability of consistency will require that such an accused should be also released on bail. As regards the second part of the referred question my answer is that it is not at all necessary for an accused to state in his application that the application of a co-accused had been rejected previously.”

9. Further, I note that no change in circumstances has been brought on record by the learned counsel for applicant/accused and that as per the report, total 32.200 kg of ‘ganja’ (commercial quantity) was recovered in the present matter and therefore, the embargo of Section 37 NDPS Act is applicable in the present case. Besides, the charges are yet to be framed and prosecution witnesses are yet to be examined in the matter, the present regular bail application filed on behalf of applicant/accused Rajkumar Pal is hereby dismissed.

10. Needless to say, the abovementioned 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.

11. 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.

12. Order be given dasti.

**(Dr. TARUN SAHRAWAT)**  
**ASJ-04 + Spl. Judge (NDPS),**  
**South East District, Saket Court,**  
**New Delhi /13.03.2026**