

Bail Matters 814/2026
STATE Vs. NILA GURUNG
FIR No. 783/2025
PS- (Sarita Vihar)
u/s 20/29/61/85 of NDPS Act

18.05.2026

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

Present: Sh. Yogendra Singh, Ld. Addl. PP for the State.
Proxy counsel for the applicant/accused. (through
VC)

1. Vide this order, this Court shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Nila Gurung. 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 the prosecution is that on receipt of secret information on 24.11.2025, accused Sujan was apprehended and from Room No. 202 of a hotel where he was staying, 2.034 kg of charas was allegedly recovered from his possession, which falls within the category of commercial quantity. It is further the case of the prosecution that pursuant to the disclosure statement of accused Sujan, the present applicant/accused Neela Gurung was apprehended on 25.11.2025. No contraband was recovered from his possession or

at the instance of the present applicant at the time of his apprehension. Thereafter, it is alleged that the present applicant made a disclosure statement regarding procurement of contraband from co-accused Lal Bahadur and on the basis thereof, co-accused Lal Bahadur was apprehended and 12.27 grams of charas was allegedly recovered from his possession.

4. Learned counsel for the applicant/accused pressed following grounds for grant of bail. He argues that the applicant/accused has been falsely implicated and no recovery whatsoever has been effected from his possession; the only material against the applicant/accused is the disclosure statement of co-accused persons, which by itself is inadmissible in evidence; the alleged recovery of 12.27 grams of charas from co-accused Lal Bahadur is a small quantity and cannot be clubbed with the recovery allegedly effected from accused Sujana so as to attract the rigours of Section 37 of the NDPS Act against the present applicant/accused; the applicant has clean antecedents, has remained in custody since 25.11.2025 and no useful purpose would be served by keeping him incarcerated for an indefinite period. Ld. Counsel thus, prayed that the applicant/accused ought to be granted bail.

5. *Per contra* learned Addl. Public Prosecutor for the State has vehemently opposed the bail application on the grounds that the recovery effected in the present case is of commercial quantity and therefore, the embargo under Section 37 of the NDPS Act is attracted; the recovery from co-accused Lal Bahadur pursuant to the disclosure statement of the present

applicant/accused clearly establishes his involvement in illicit trafficking and conspiracy; the applicant is a foreign national and there exists a possibility of absconding, if released on bail; that the FSL result is awaited and the investigation regarding the organised network is continuing and release of the applicant/accused at this stage may hamper further investigation; there is every likelihood of the applicant/accused influencing witnesses and tampering with evidence. Thus, the applicant/accused ought not to be granted bail.

6. I have heard learned counsel for the parties and carefully perused the record.

7. 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.

8. In the present matter, admittedly, recovery of 2.034 kg of charas has been effected from co-accused Sujan, which falls within the category of commercial quantity. The material placed on record prima facie reveals that the present applicant/accused was named during investigation and at his instance, another co-accused namely Lal Bahadur was apprehended and recovery of contraband was allegedly effected from him.

9. At this stage, the contention of learned counsel for the applicant/accused that no recovery has been effected from his possession cannot by itself become a ground for grant of bail. In cases involving criminal conspiracy under Section 29 NDPS Act, direct physical recovery from each accused is not a sine qua non where the investigation prima facie discloses concert and connectivity amongst the accused persons.

10. In the present matter, even though no recovery has been effected from the possession of the applicant/accused herein, but still the material connected during investigation indicates his connection with the contraband recovered from co-accused persons and the same is reflected from the point that co-accused Lal Bahadur was apprehended on the disclosure statement of the present applicant/accused and contraband was recovered from his possession. At this stage, such circumstance cannot be brushed aside altogether. In this regard, support can be obtained from the judgment of the Hon'ble Supreme Court in case of **Narcotics Control Bureau vs Mohit Aggarwal, (2022) 4 SCC 713**, whereby the Hon'ble Supreme Court held that even in absence of direct recovery from the accused, bail cannot be granted where the material on record prima facie indicates involvement in trafficking

activities and the conditions under Section 37 NDPS Act are not satisfied.

11. Furthermore, during the course of arguments, it was brought to the fore that the investigation regarding the organized network and supply chain is still continuing and the chargesheet is yet to be filed. At this stage, this Court cannot lose sight of the seriousness and magnitude of allegations. The possibility of the applicant/accused influencing witnesses or hampering investigation cannot be ruled out. This Court also finds substance in the submission of learned Addl. PP that the applicant/accused being a foreign national poses a flight risk. The possibility of absconding cannot be lightly brushed aside.

12. In the aforementioned circumstances, I am of the opinion that bail ought not to be granted to the accused Nila Gurung at this juncture. Accordingly, the present bail application is hereby dismissed.

13. 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.

14. 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. Copy of the order be given dasti.

(HONEY)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /18.05.2026