

**SC 250/2025**  
**STATE Vs. MUNIP MAHTO AND ANR**  
**FIR no. 246/2024**  
**PS Crime Branch-West Delhi**

**07.01.2026**

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.  
Ld. Counsel for the applicant/accused

File perused. Heard.

This is an application u/s 483 of BNSS filed on behalf of the applicant/accused Munip Mehto for grant of bail.

Arguments have already been heard. No clarifications are required. Record gone through.

It is submitted by Ld. Counsel that accused/applicant is innocent and has been falsely implicated in the present case on the basis of disclosure statement. It is further submitted that applicant/accused has no hand in the commission of the alleged offence. It is further submitted that the chargesheet has already been filed in the present case and conclusion of trial shall take long time. It is further submitted that in the present chargesheet, nothing has come on record to show that the applicant/accused was involved in the alleged conspiracy in any manner or was aware about the contents of the parcels, which is allegedly recovered in the present case. It is further submitted that applicant/accused was not in conscious possession of the alleged contraband and he was not aware about the contents of the said

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parcel. It is further submitted that no other contraband or nothing incriminating substance was recovered from the physical possession of the applicant/accused or at his instance. It is further submitted that all the witnesses in present case are police and other concerned officials, therefore, chances of tempering with prosecution evidence does not arise at all. It is further submitted that the co-accused, who is stated to be the main source/main supplied of the alleged recovered contraband has already been granted bail by Hon'ble High Court of Delhi. With these submissions, prayer is made for grant of regular bail on ground of parity.

On the other hand, Ld. Chief PP for the state has strongly opposed the present bail application of the applicant/accused on the ground that the allegations against the accused are serious in nature and the possibility of tempering of evidence and influencing of witness and fleeing away from the justice cannot be ruled out in case applicant/accused is admitted on bail. Ld. Addl. PP further submits that contraband recovered from the applicant/accused is of commercial quantity, therefore, bar u/s 37 NDPS Act is also attracted and prays for dismissal of the present application.

Brief facts of the case are that ASI Somnath received an information on 01.12.2024 that some persons are involved in supply of Ganja through courier from Vishakhapatnam. It is

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further alleged that they had ordered ganja through DTDC Company, which has been delivered vide tracking ID no. D33126877 in the name of one Bishambar Ram at DTDC Meera Bagh, Delhi. After satisfaction from the informer the abovesaid ASI shared the information telephonically with Inspector Pradeep Kumar, who after satisfaction directed him to take immediate action. Thereupon, on the directions of senior officials a raiding team was constituted and the abovesaid information was verified with the courier company. It was affirmed from the courier office that two parcels had been received from Vishakhapatnam for the proposed delivery to Bishamber Ram at Vikas Nagar, Balaji Chowk, near Rajdhani School, Mohan Garden, Uttam Nagar, Delhi and the mobile number of the receiver was also mentioned as 8.....872.

Thereafter, two employees of DTDC Company namely Sourabh and Deepak were deputed to deliver the abovesaid consignment to the proposed receiver. The abovesaid Sourabh made a call on the abovesaid mobile number mentioned on the parcel, but the said person stated that he is out of Delhi and asked to deliver the said parcel to his associate at Tyagi Barat Ghar, Tyagi Market, near Bala Ji Chowk, Mohan Garden, Uttam Nagar, Delhi. Thereafter, two persons came there, riding upon a scooty to receive the abovesaid parcels and one of them showed Aadhar Card of Vishambher Ram to the delivery boys and received the

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parcels against DRS receipt. The raiding party of police apprehended both the said persons, who identified themselves as Munip Mehto (accused/applicant) and Baljeet Kumar.

During further investigation, the notice u/s 50 of NDPS Act was served upon them and the parcel received by both the accused persons was searched. The said search reveals ganja in both the parcels, upon weighing the same were found containing Ganja of 29.26 Kg each. Pursuant to this present FIR was registered. During further investigation, mobile phones of both the accused persons were seized and sent for its forensic examination. Both the abovesaid accused persons were arrested on 02.12.2024. As per their disclosure statement, they confirmed that the abovesaid consignment of ganja was sent by one Munna R/o Patna, Bihar from Vishakhapatnam through courier. It is alleged that accused/applicant claimed in his disclosure statement that he was in constant touch with the said Munna through Whatsapp call and chats vide 8.....372. It is further alleged that the abovesaid Munna had also sent one Aadhar Card on the whatsapp of accused/applicant in the name of Vishambher Ram having photo of accused Baljeet and same was used to receive the abovesaid parcels.

It is further alleged that the abovesaid Munna is the kingpin of the entire drugs syndicate and uses the other persons to operate the syndicate. It is further alleged that applicant claims

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that he can identify the village as well as house of the said Munna in Patna, Bihar. Thereupon, Police Custody of both the accused/applicant and co-Baljeet were obtained and raid was conducted at the house of the abovesaid Munna at the instance of the accused/applicant, but the Munna was not found there. During further investigation, it is revealed that the name of the abovesaid Munna is Gagan Gaurav S/o Ajeet Rai. Further, the ownership and CDR of the mobile number used by the abovesaid Munna @ Gagan Gaurav were obtained and analysis of same revealed that the said number is in the name of one Sanjit Kumar S/o Chandeeep Roy R/o Village Milkipur, PS Raghupur, Distt. Vaishali, Bihar. The efforts made to examine the said Sanjeet Kumar remained unsuccessful.

It is further alleged that at the time of the delivery of the abovesaid parcels in Delhi, the location of the said mobile phone was in Bihar and was in Andhra Pradesh in the month of October. During further investigation, wife of the applicant was also examined, who disclosed that on 01.12.2024, when her husband was apprehended by the police and his mobile number was switched off at that time one person who introduced himself as Gagan Gaurav @ Munna called at her mobile number and asked about her husband that why his number is switched off. During

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further investigation, the abovesaid Gagan Gaurav @ Munna also disclosed that one Mukesh used to deliver ganja from Vishakhapatnam through courier and had also handed over fake Aadhar Card to the said Mukesh and directed him to deliver parcels of ganja mentioned on the said Aadhar Card. The abovesaid Gagan Gaurav also sent the photo of the said Aadhar Card to the applicant through Whatsapp.

Keeping in view the abovesaid facts as well as aspect of investigation of the present case, it is apparent that applicant/accused is neither the sender of the alleged parcels containing contraband nor is the receiver of the said parcels. Further, the mobile number on which the courier staff has contacted the alleged receiver is not the accused/applicant. Further, there is no evidence on record that the said mobile number is pertaining to the accused/applicant or belongs to him. Moreso, the alleged mobile number 8.....121 recovered from the accused/applicant is not in his name. The CAF of the said mobile is in the name of another person, who is neither examined in the present case nor cited as witness in the present case.

It is also relevant to mention here that after the apprehension of the accused in the present case, no other contraband was recovered from his personal search. Moreso, during further investigation neither any search was conducted in the house of the accused nor any further recovery of contraband

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was made at any point of time. Moreso, the alleged Aadhar card also does not belong to the applicant/accused even the photograph of the card holder is not of the applicant/accused. It is also relevant to mention here that the IO has not even recovered the alleged original Aadhar Card in the present case.

The contention of the accused is that he had just accompanied the co-accused Baljeet Kumar on his request and has nothing to do with the alleged offence. Admittedly, two accused persons came at the abovesaid spot to receive the abovesaid parcels on a scooty bearing no. DL8S AT 9422. It is relevant to mention here that the said scooty does not belong to the accused/applicant and he has no connectivity with the ownership of the said scooty. Further, admittedly the accused has not received the abovesaid parcels from the courier officials.

Moreso, there is no monetary trail/transaction/connectivity of the accused/applicant with the co-accused persons. So there is nothing concrete on record to affirm or establish the alleged criminal conspiracy of the applicant/accused with the co-accused persons or regarding the alleged conscious possession of the contraband in the alleged parcels. Moreso, as per the Register no. 19 of the PS, the case property has the seal of the IO i.e. SNG, but therein there is no mentioning of the seal of SHO. It is relevant to mention here that the co-accused Gagan @ Gaurav is already granted bail by Hon'ble High Court of Delhi in a detailed

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order and same attracts the parity in favour of the accused/applicant.

Considering the facts of the case and the material available on record, the role assigned to the applicant/accused appears confined to the act of collecting the parcels with the co-accused Baljeet Kumar. As per the case of the prosecution, the alleged parcels were received by the co-accused Baljeet under his signature. Admittedly, the accused/applicant has neither put his signature nor has given any writing note to the courier staff for the receiving of the alleged parcels. The prosecution version primarily relying upon the confessional statement u/s 67 of the accused/applicant. There are no incriminating call records financial transactions or digital communication linking the accused/applicant with the other co-accused persons with the alleged trafficking network. In the absence of such corroboration and keeping view the settled position of law that confessions u/s 67 are insufficient without supporting evidence, in humble opinion of this court, the benefit of doubt ought to arise in favour of the applicant/accused at this stage. Accordingly, for the limited purpose of bail there are reasonable grounds to believe that the applicant is not guilty of the alleged offence. Hence, the first requirement of section 37 of NDPS Act is therefore satisfied.

As regard the second requirement of the section 37 of NDPS Act, it is pertinent to mention here that the accused/

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applicant is not having any other criminal involvement. No other case is pending against him. Further, there is nothing on record to suggest that the applicant/accused poses a flight risk or that he is likely to commit any offence while on bail. On the contrary, the applicant has duly cooperated in the investigation. In these circumstances, in my humble opinion there is no material to conclude that the applicant/accused would misuse the liberty of bail, if granted. Accordingly, the twin conditions u/s 37 of the NDPS Act stands satisfied.

In the light of the abovesaid discussions & keeping in view the observations of Hon'ble High Court in bail order of co-accused Gagan Gaurav, this court is inclined to accept the prayer of the applicant/accused for bail. Therefore, the applicant/accused is directed to be released on bail on furnishing personal bond in sum of Rs.25,000/- with two sureties in the like amount on the following conditions:

- a. The applicant shall cooperate in any further investigation as and when directed by the concerned IO.
- b. The applicant shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case or temper with the evidence of the case in any manner whatsoever.
- c. The applicant shall, under no circumstance, leave the country without the permission of the Trial Court.

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d. The Applicant shall appear before the Trial Court as and when directed.

e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO.

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

g. The Applicant shall report to the concerned P.S. on first, second and fourth Friday of every month.

In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

Nothing discussed herein-above shall have any bearing upon the merits of the case.

Copy of the order be given dasti, as prayed for. Copy of the order be also sent to the concerned Jail Superintendent for information.

**(SATVIR SINGH LAMBA)**  
**ASJ/SPECIAL JUDGE (NDPS),**  
**WEST DISTRICT, DELHI/07.01.2026**