

SC 250/2025
STATE Vs. MUKESH
FIR no. 246/2024
PS Crime Branch-West Delhi

20.01.2026

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.
Ld. Counsel for the applicant/accused.
IO in person with case file.

File perused. Heard.

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

Arguments heard. Clarifications sought. Main chargesheet against co-accused persons and case file pertaining to accused/applicant also gone through.

It is submitted by Ld. Counsel that accused/applicant is innocent and has been falsely implicated in the present case. It is further submitted that the accused was arrested in present case on 21.11.2025 and since then he is in JC. It is further submitted that the applicant/accused was arrested only on the basis of disclosure statement of the co-accused and same is not legally admissible against the accused/applicant. Ld. Counsel further submits that there is no recovery from the possession of the applicant/accused or at his instance, hence, the version of the prosecution against applicant/accused is only on the basis of circumstantial evidence. It is contended that disclosure statement of co-accused cannot be

Contd....

used against any other person until and unless same lead to any recovery or discovery of any new facts and nothing incriminating was recovered from the applicant/ accused in the present case. It is further submitted that the chargesheet has already been filed and case is pending for framing of charges. It is further submitted that the two co-accused persons have already been granted bail in the present case. 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. Ld. Chief PP further submits that the applicant/accused is the main source of the alleged contraband recovered in the present case as he had sent the alleged parcel through courier from Vishakhapatnam, Andhra Pradesh. Ld. Chief PP also raises apprehension that 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. Chief PP further submits that contraband recovered in the present case 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

Contd....

supply of Ganja through courier from Vishakhapatnam. It is 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 on a scooty to receive the abovesaid parcels and one of them showed Aadhar Card of

Contd....

Vishambher Ram to the delivery boys and received the parcels against DRS receipt. The raiding party of police apprehended both the said persons, who identified themselves as Munip Mehto and Baljeet Kumar. Both the accused persons were arrested. 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 and the said Munna is the kingpin of the entire drugs syndicate and uses the other persons to operate the syndicate.

It is alleged that on 28.02.2023, co-accused Gagan Gourav @ Munna surrendered himself before the court and in his disclosure statement disclosed that he can assist in the apprehension of source of contraband namely Mukesh Kumar (applicant/accused). The allegations against the accused/applicant are that he had arranged the contraband at Vishakhapatnam. During further investigation, it is revealed that the alleged Ganja was booked by using the mobile number 970...693 with the owner of the parcel agency namely D Mahalaxmi. It is alleged that the applicant/accused was using the said mobile number and had send the parcel at the booking agency for which he had also made the payment of Rs.16,400/- through local Citizen Service Centre. Further upon analysis of the CDR of the abovesaid mobile number, one another suspected number 990...665 was traced and the said number was found registered in the name of

Contd....

applicant/accused. During further investigation, applicant/accused was found in judicial custody in another case in Central Jail Vishakhapatnam in FIR no. 306/35 u/s 20 NDPS Act PS II Town, Vishakhapatnam Andhra Pradesh. Thereafter the accused/applicant was arrested in the present case on 07.11.2025. It is relevant to mention here that during the course of investigation the accused/applicant was correctly identified by owner of the alleged parcel agency namely D. Mahalaxmi as the person who booked the parcel.

No doubt the main chargesheet qua the other accused persons already filed. However, investigation qua the accused/applicant is still going on and final report qua him is yet to be filed. It is relevant to mention here that the applicant/accused is also involved in three other criminal cases pertaining to NDPS Act. Moreso, the contention raised on behalf of the applicant/accused regarding the parity of bail is also not tenable as the role and allegations against him are different from the said co-accused persons. Allegations against the accused are serious in nature. Further, the possibility cannot be denied that the applicant/accused may flee or may commit similar offence again, if admitted to bail. Considering the matter in totality, the facts and circumstances of this case, gravity of offence, the nature of serious allegations leveled against the applicant, this Court is not inclined to allow this application of the applicant/accused, at this

Contd....

stage. Accordingly, the present bail application stands dismissed.

Nothing stated hereinabove shall tantamount to any expression of opinion on the merits of the case.

A copy of this 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/20.01.2026