

**SC no. 250/2025**  
**STATE Vs. Mukesh Kumar**  
**FIR no. 246/2024**  
**PS Crime Branch West**

**23.04.2026**

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.  
Ld. Counsel for the applicant/accused.  
IO/SI Shailender Tiwari through VC.

File perused. Heard.

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

Reply has already been filed. Copy already supplied. Remaining arguments heard. Clarifications sought. Record gone through.

It is submitted by Ld. Counsel that previous bail application of accused/applicant was dismissed on 07.04.2026 and thereafter there is material change in the circumstances of the present case as the chargesheet has now been filed against the accused/applicant in the present case. Ld. Counsel contends that the accused/applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant/accused has no hand in the commission of the alleged offence but is implicated in present case only on the basis of disclosure statement of the co-accused persons. Ld. Counsel further contends that as per the charge-sheet, accused/applicant is not connected with the alleged offence and the investigating agency failed to collect any evidence against the accused/applicant to the effect that he has made the alleged payment for the booking of the parcel. Ld. Counsel further

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contends that one person namely Nandan has transferred the money to the courier company for the booking of the alleged parcel and he failed to identify the accused/applicant in the TIP Proceedings. Ld. Counsel further contends that the mobile no. used for the booking of the alleged parcel was also not found in the name of the accused/applicant. Ld. Counsel further contends that even on 25.11.2024, the alleged parcel was neither brought by the accused/applicant nor the same was handed over to the courier company by the accused/applicant instead as per the version of prosecution, the same was brought by one auto-rikshaw driver. Ld. Counsel further contends that the said auto rikshaw driver was neither traced by the investigating agency nor was examined in the present case to corroborate the involvement of the accused/applicant in any manner. Ld. Counsel further contends that no contraband and no incriminating evidence was found or recovered from the possession of the accused/applicant or at his instance. Ld. Counsel further submits that there is no legally admissible evidence to connect the accused/applicant in any manner. It is further submitted that the police has not filed any transcription of conversation between the applicant and co-accused to show his involvement in the present offence. It is further submitted that all the witnesses in the present case are police officials, so there is no apprehension of tempering of prosecution evidence by the applicant/accused. Ld. Counsel further contends that accused Munip Mahto and Gagan Gaurav @ Munna have already been granted bail in the present case.

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Ld. Counsel further submits that accused Gagan Gaurav @ Munna was granted bail by Hon'ble High Court of Delhi on 21.05.2025. Ld. Counsel further contends that the role of the accused/applicant is also of similar footing to that of the accused Gagan Gaurav and 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 applicant/accused is the main source of the alleged contraband recovered in the present case as per the disclosure statement of co-accused Gagan Gaurav @ Munna. 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. Ld. Chief PP further submits that the allegations against the accused are serious in nature and the possibility of tempering of evidence, influencing of witness & fleeing away from the justice cannot be ruled out in case applicant/accused is admitted on bail. Ld. Chief PP prays for dismissal of the present application.

Brief facts of the case are that on 01.12.2024 a secret information was received that some persons involved in supply of Ganja through courier from Vishakhapatnam 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. Upon compliance of due procedure, police party reached at the courier office and it was

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affirmed 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. After sometime, two persons came there on a scooty and showed Aadhar Card of 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. As per their disclosure, 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, he mentioned the name of the

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accused/applicant as the source of contraband. Meaning thereby, in the present case, the allegations against the accused/applicant are that he had arranged the alleged contraband recovered in the present case at Vishakhapatnam. It is relevant to mention here that 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/-.

However, as per the conclusion of the charge-sheet, admittedly, the abovesaid mobile no. 970....693 is neithr in the name of the accused/applicant nor is related with the accused/applicant. Further, as per the charge-sheet, the alleged contraband was brought at the abovesaid parcel agency of D Mahalaxmi by an auto-rikshaw driver. It is pertinent to mention here that neither the identity of the abovesaid auto rikshaw driver is revealed nor the abovesaid auto-rikshaw was traced. Further, upon analysis of the CDR of the abovesaid mobile number, one number 966....753 was found to be registered and the said number is allegedly belonging to the brother of the accused/applicant namely Ajay Kumar. It is further relevant to mention here that no investigation was conducted by the police regarding the abovesaid mobile no. 966....753. Instead, the investigating agency has claimed that accused/applicant is having telephonic connectivity with his brother and on the basis of this,

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is implicated in the present case. Admittedly, there is no incriminating evidence against the accused/applicant in the alleged mobile connectivity with his brother. Moreso, there is no mobile chat or conversation transcription regarding the contraband or its transaction in any manner between the abovesaid mobile phones with the accused/applicant. The telephonic calls between two brother or between family members is neither unnatural nor abnormal. Hence, the alleged role stated by the prosecution against the accused/applicant is only on the basis of disclosure statements and CDR connectivity but same are without any independent or corroborative evidences linking the accused/applicant with any of the alleged transaction of contraband. Admittedly, no contraband s recovered from the possession of the accused/applicant or at his instance. It is relevant to mention here that during the course of investigation the accused/applicant was not identified by alleged Nandan in the TIP proceedings. As per the version of the charge-sheet, the accused/applicant has not paid any money for the transportation of the alleged parcel, recovered in Delhi. Moreso, the accused/applicant is not having any other mobile connectivity with the co-accused Munip Mehto, Baljeet Kumar and Gagan Gaurav. It is relevant to mention here that the co-accused Munip Mehto and Baljeet Kumar have not disclosed the name of the accused/applicant in their disclosure statement. Further, as per the prosecution version, the name of the accused/applicant was revealed in the present case on the basis of disclosure statement

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of co-accused Gagan @ Gaurav @ Munna, who has already been granted bail by the Hon'ble High Court of Delhi. Hence, the allegation and role of the accused/applicant is on similar footing as that of the role and allegations against the co-accused Gagan Gaurav @ Munna.

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.
- 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.

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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))**  
**THC/Delhi/23.04.2026**