

**SC 284/2025**  
**STATE Vs. KAMAL SINGH AND ORS.**  
**FIR no. 267/2024**  
**PS Crime Branch-West Delhi**

**02.09.2025**

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.  
Mohd. Yasir and Ms. Kajol Garg, Ld. Counsels for the  
applicant/accused.  
IO with case file.

File perused. Heard. This is an application filed on behalf  
of the applicant/accused Irshad Shekh for grant of bail.

Reply has already been filed on behalf of the IO. Copy  
already supplied. Arguments heard. Clarifications sought.

It is submitted by Ld. Counsel that the applicant is  
innocent and has been falsely implicated in the present case. It is  
further submitted that the applicant/accused was arrested in the  
present case on 05.03.2025 and since then he is in JC. It is further  
submitted that the arrest of the applicant/accused was in violation  
of his fundamental right as the mandatory and statutory  
provisions of law are not complied with. It is further submitted  
that the ground of his arrest were not informed to the  
accused/applicant at the time of his arrest. It is further submitted  
that neither the name of the applicant/accused was mentioned in  
the FIR nor his mobile number was kept for interception. It is  
further submitted that mere disclosure made in the presence of  
police officials is not admissible as per law. It is further  
submitted that scrutinizing of evidence at the stage of bail is not

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permissible in law and connectivity between accused persons through CDR or money trail is only a matter of trial. It is further submitted that neither any CDR nor transcription has been filed by the investigating agency in present case to show that the applicant/accused was in regular touch of the co-accused persons. It is further submitted that the accused/applicant is not involved in any other similar case. With these submissions prayer is made for grant of regular bail.

On the other hand, Ld. Chief P. P. for the state has strongly opposed the present bail application on the ground that huge quantity of contraband has been recovered in the present case and the applicant is the source of the alleged contraband. Ld. Chief P.P has prayed for the dismissal of the present bail application of the accused.

In the present case, allegations against the accused persons are under section 20/25/29 of NDPS Act for recovery of commercial quantity of contraband i.e. 21.6 Kg of Ganja. It is the case of the prosecution that on 23.12.2024, in pursuance of secret information a trap was laid near Kabad Godown, Gali no. 10, Deepak Vihar, Mohan Garden, Delhi and two persons namely Kamal Singh and Ashok Kumar were apprehended with a Honda WRV Car bearing no. RJ-02 CD 6481. After compliance of due procedure recovery of 21.6 Kg of commercial quantity of ganja was recovered from the possession of the accused persons. It is

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the case of the prosecution that the accused/applicant is source of the abovesaid contraband of commercial quantity and had supplied the same to the accused persons. During further investigation, upon tracking of the movement of the abovesaid car and on the basis of CCTV Cameras installed at the road stretched going towards Najafgarh Delhi from Uttam nagar, it is revealed that the abovesaid car was seen parked on roadside. Thereafter, one scooty rider (identified as accused/applicant in present case) came near the car and was carrying trolley bag in the footrest of the scooty and delivered the said trolley bag to the co-accused Ashok Kumar. It is relevant to mention here that the said trolley bag is the same trolley bag, which was recovered from the possession of the co-accused persons. Further, the main source of the alleged contraband is revealed as one Rashid Khan S/o Manjur Khan, who is already declared as Absconder. Moreso, during further investigation, it is also revealed that the payment of the abovesaid consignment of alleged contraband was taken by the applicant/accused in bank account of his wife. The said payment was made by co-accused Ashok Kumar. Moreso, the investigation of the case also reveals that the applicant/accused was in constant contact with the co-accused Ashok Kumar, before the delivery of the abovesaid contraband. Further, the FSL result of the seized contraband is positive and same is found to be Ganja.

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Further, the menace of selling of contraband has become rampant and the young generation is being seriously indulged in consumption of the contraband and in this regard, Hon'ble Supreme Court of India in case titled as “*Union of India Vs. Ram Samujh & Ors.*” 1999 (9) SCC 429, has elaborated that offences under NDPS Act are even more serious and grave than Murder cases. The Apex Court observed, “It is to be borne in mind that the aforesaid legislative mandate is required to be adhered to and followed. It should be borne in mind that in a murder case, the accused commits murder of one or two persons, while those persons who are dealing in narcotic drugs are instrumental in causing death or in inflicting death blow to a number of innocent young victims, who are vulnerable; it causes deleterious effects and a deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and/or dealing in intoxicants clandestinely. Reason may be large stake and illegal profit involved. This line of reasoning has been reiterated in the pronouncement in “*State of Kerala Vs. Rajesh*” in Criminal Appeal No.(S). 154157 of 2020 (arising out of SLP (Crl.) No(s).7309-7312 of 2019) decided on 24.01.2020 by the Hon’ble Supreme Court of India.

It is trite principle of law that while granting bail the court has to keep in mind (a) The nature and gravity of the accusation

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and the exact role of the accused must be properly comprehended before arrest is made; (b) the antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of cognizable offence; (c) the possibility of the applicant to flee from justice; (d) the possibility of the accused's likelihood to repeat similar or other offences; (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her; (f) Impact of grant of bail particularly in cases of large magnitude affecting a very large number of people; (g) The court should consider reasonable apprehension of tampering of the witnesses or apprehension of threat to the complainant and any other aspects of the case should be taken into consideration while granting bail.

Moreso, the contention raised by Ld. Counsel that neither accused nor his family member were communicating in writing the grounds of his arrest does not hold water as the reasons of arrest are duly mentioned in arrest memo of the applicant/accused. Moreso, in view of the case law laid down by Hon'ble Apex Court in CRIMINAL APPEAL NOS. 3528 - 3534 OF 2025 (Arising from SLP (Crl.) Nos. 516 – 522 of 2025) titled as STATE OF KARNATAKA VERSUS SRI DARSHAN ETC., also held that the mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable

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prejudice or denial of a fair opportunity to defend. Further, no other material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse.

Admittedly, the applicant/accused is also involved in multiple criminal cases. 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 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/02.09.2025**