

**SC 558/2025**  
**STATE Vs. OMVEER ETC.**  
**FIR no. 637/2025**  
**PS NIHAL VIHAR**

**14.03.2026**

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.  
Ld. Counsel for the accused/applicant.  
IO SI Rajesh Kumar in person

File perused. Heard.

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

Reply has already been filed. Copy already supplied. Arguments heard. Clarifications sought.

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 of co-accused Omveer. It is further submitted that the applicant/accused was arrested on 08.09.2025 and since then he is in JC. It is further submitted that the alleged 20.7 Gram of Bupremorphine tablets recovered from the possession of the accused is planted one. Ld. Counsel contends that the alleged recovery in present case is not in presence of any independent/public witness and IO has failed to comply section 42 and 50 of NDPS Act. It is further submitted that investigation has already been completed and chargesheet has already been filed. Ld. Counsel further contends that neither the name of the accused came on record as a source of

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contraband on the first disclosure statement of co-accused Omveer nor the accused was arrested at the instance and identification of co-accused Omveer, instead the record of the applicant was traced by the IO on the Delhi Police Portal for his false implication in present case. Ld. Counsel further contended that the alleged recovery in the present case from the applicant is marginally higher than the commercial quantity to the tune of 0.7 grams only and relied upon the case law Vinay Sharma Vs. State of NCT of Delhi, Bail Appln. no. 1626/2025 dated 01.08.2025, Ashok Kumar @ Lala Vs. State of NCT of Delhi dated 19.09.2024, Bail Appln. no. 1814/2024 and Gurpraph Singh @ Prince Vs. State of Punjab CRM. M -50716-2024 (O&M) date of decision 27.02.2025. With these submissions, prayer is made for grant of bail.

On the other hand, Ld. Chief PP for the state has strongly opposed the present bail application of the applicant on the ground that the allegations against the accused are serious in nature. Ld. Chief PP further submitted that the total recovery in the present case is of commercial quantity and same attracts the bar u/s 37 of NDPS Act.

Brief facts of the case are that in the present case on 22.08.2025, co-accused Omveer was apprehended on the basis of suspicion and 62 Buprenorphine Tablets (5.704 grams) and 396

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Pheniramine Maleate Injection Vials (Avil 10 ml each) along with cash of Rs.82,800/- were recovered from his possession. During investigation, Omveer disclosed the name of one Jaiveer and one his known person of Sultanpuri as the source of contraband in his disclosure statement dated 23.08.2022. Thereafter, as per the another disclosure of co-accused Omveer dated 24.08.2025, the name of the suspect is revealed as Hudda of Kanwar Singh Nagar. It is relevant to mention here that as per the third disclosure statement dated 25.08.2025, the name of the applicant is revealed in the present case. Upon asking of the court about the confirmation of identity of the applicant in disclosure statements of accused Omveer, he explained that the name of the applicant is affirmed on the basis of Delhi Police portal data, in which the accused/applicant was a bad character.

Admittedly, the accused/applicant was neither identified nor arrested in the present case during the period of police custody of the accused Omveer. The accused/applicant is admittedly arrested in the present case on 08.09.2025 as the police has claimed that they were tracing him. However, neither compliance of section 42 of NDPS Act was effected for the apprehension nor compliance of section 50 was effected prior to the alleged recovery from the accused/applicant. It is further relevant to mention here that the alleged contraband recovered from the possession of the accused/applicant is neither weighed

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at the time of its recovery nor weighed at the time of its sampling under the proceedings u/s section 52A of the NDPS Act. It is pertinent to mention here that the recovery from the applicant/accused is of 207 tablets of alleged bupremorphine. Admittedly, as per the explanation of the IO and as per the seizure memo only four tablets were weighed and same were found of different weights. Meaning thereby, the weight of the each of the said tablets is different and is not same. Thereafter, as per his convenience the IO has not preferred to weigh the each tablet instead mentioned the total weight of the alleged contraband as a quantity of commercial one. Moreover, the photographs of the sampling proceedings u/s 52 A NDPS Act reveals that they were produced before the concerned MM with their leaf/covers. Admittedly, the said leaf/cover of the said tablets must also have some weight. In the absence of the actual weight of the contraband and the producing of the contraband with leaf/cover may also lead to the inference the alleged quantity might not be the commercial quantity. Co-accused Gaurav @ Ashu @ Pandit, Omveer & Jaiveer are already on bail. Accordingly, without reflecting much on the merits of the case, at this stage and keeping in view the totality of facts and circumstances of this case, the applicant/accused is admitted to bail upon furnishing of personal bond in sum of Rs.30,000/- along with one surety in the like amount on the following conditions:

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- i) That the accused will not jump the bail and will appear in the court regularly.
- ii) That accused shall not indulge into similar offence or any other offence in the event of release on bail.
- iii) That accused shall not tamper/influence any evidence/ witness in any manner.
- iv) That in case of change of residential address, accused shall intimate the court about the same within a week.
- v) That accused shall not leave the country without permission of Court.

Nothing stated hereinabove shall tantamount to be an expression of final opinion on the merits of the case. With above observations, application stands disposed off accordingly.

**Copy of the order be given dasti, as prayed for.**

**Copy of the order be also sent to the concerned Jail Superintendent.**

**(SATVIR SINGH LAMBA)  
ASJ/SPECIAL JUDGE (NDPS),  
WEST DISTRICT, DELHI/14.03.2026**