

Bail Matters 573/2026
STATE Vs. AMIT KUMAR
FIR No. 273/2025
PS- (Crime Branch-South East)
u/s 22/25/29 of NDPS Act

10.03.2026

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Amit Kumar for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Dr. Gaurav Manuja and Sh. Yogesh Kumar, Ld.
Counsel for the applicant/accused.
IO/SI Vikas Deep is present.

1. Vide this order, I shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Amit Kumar. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 05.02.2026 and that he has been falsely implicated in the present matter as he has nothing to do with the alleged offences. Ld. Counsel further submitted that the applicant/accused is not a named accused in the present case FIR and he was arrested merely on the disclosure statement of co-accused Prashant Kumar Sharma, whose arrest on 04.02.2026 itself is illegal who was also not named as an accused in the matter. Ld. Counsel further submitted that as per the prosecution, co-accused Manoj Kumar had bought 5.012 kg of 'tramadol powder' from co-

accused Prashant Kumar Sharma, who had taken the said amount of contraband substance from the godown of the applicant/accused, however, the said godown is not owned by the present applicant/accused as the real and exclusive owner of the godown is Yash Narang and that the alleged contraband was not recovered from the direct physical possession of the applicant/accused. Ld. Counsel further submitted that there is no independent public witnesses were joined at the time of arrest of the applicant/accused and also during search and seizure. Ld. Counsel further submitted that the mandatory provisions of NDPS Act have not been strictly complied with in the present matter and therefore, the arrest of the applicant/accused is totally illegal. Ld. Counsel further submitted that the applicant/accused has no previous involvement in any other criminal case and there is no chance of absconding or tampering with evidence. Ld. Counsel thus, submitted that applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail.

3. *Per contra* Ld. Addl. PP for the State vehemently opposed the bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP submitted that applicant/accused is a part of drug nexus which sell narcotics drugs in the daylight and that the drug menace is affecting the entire society and especially it is targeting the younger generation and it affects the economy of the country and that illicit money is being used for drug trafficking which is a serious offence and the persons involved in the illicit drug trafficking are destroying the

social fabric of society and leading youth to wrongful path. Ld. Addl. PP further submitted that the investigation of the case is on progress and has not yet been completed. Ld. Addl. PP further submitted that in the present matter, the total recovered contraband is commercial in nature and the present applicant/accused is the source of 2 kg 'tramadol' recovered from co-accused Anirudh Kumar Rai. Ld. Addl. PP further submitted that if the applicant/accused is granted bail, there is strong possibility that he may jump the bail and may flee from justice and thus, accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

6. As per the IO's report, accused/applicant is the source of 2.012 Kg Tramadol recovered from co-accused Anirudh Kumar Rai and there is proper CDR, whatsapp, financial and Zangi App connectivity between the accused persons and further, at the instance of the applicant/accused Amit Kumar and co-accused Prashant, the police raided the applicant/accused's

warehouse near Rajmahal Hotel, Rampur, Roorkee, Haridwar, and 6.831 kg of 'tramadol powder' was seized and during the subsequent investigation, a search was also conducted at the warehouse of accused in their presence, 34.100 kg of chemical powder was suspected to be drugs was also recovered. During the course of arguments, it was brought to the fore that there is also a CDR connectivity between the applicant/accused and co-accused persons.

7. Most importantly, it has transpired that commercial quantity of contraband i.e. 'Tramadol' was recovered in the present matter and therefore, the embargo of Section 37 NDPS Act is applicable in the present case. The criterion and broad parameters under Section 37 of NDPS Act have been discussed in **Collector of Customs v. Ahmadalieva Nodira, (2004) 3 SCC 549** observations of the Hon'ble Supreme Court read as follows: -

"6... As observed by this Court in Union of India v. Thamisharasi .[(1995) 4 SCC 190 : 1995 SCC (Cri) 665 JT (1995) 4 SC 253] clause (b) of sub-section (1) of Section 37 imposes limitations on granting of bail in addition to those provided under the Code. The two limitations are: (1) an opportunity to the Public Prosecutor to oppose the bail application, and (2)satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

The limitations on granting of bail come in, only when the question of granting bail arises on merits. Apart from the- grant of opportunity to the Public Prosecutor, the other twin conditions which really have relevance so far as the present accused-respondent 'is concerned, are: the satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. The conditions are cumulative and not

alternative. The satisfaction contemplated regarding the accused being not guilty has to be based on reasonable grounds. The expression "reasonable grounds" means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence: The reasonable belief contemplated in the provision requires existence of such, facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence "

8. Further, the applicant/accused is required to identify complete chain of illicit psychotropic medicine supplier/receivers. Further, it has been alleged that the investigation of the present case is at very nascent stage. The custodial interrogation of the applicant/accused is very much required. The chargesheet of the present case is yet to be filed. Besides that, the allegations against the applicant/accused are very serious in nature. The possibility of tampering with the evidence and fleeing from criminal justice system also cannot be ruled out.

9. In the aforementioned circumstances, taking into account the gravity of the offences, the role attributed to the accused herein, the fact that the investigation of the present case is still on going and the chargesheet is yet to be filed and further, the contraband recovered in the matter is commercial in nature and applicant/accused was a part of drug nexus which are selling narcotic drugs and further, as reported, there is CDR connectivity amongst the accused persons and the possibility of tampering with the evidence and fleeing from criminal justices system also cannot be ruled out, I am of the opinion that bail ought not to be

granted to the accused Amit Kumar at this juncture. Accordingly, the present bail application is hereby dismissed.

10. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

11. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

12. Copy of the order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /10.03.2026