

News

Regular contact with the co-accused is insufficient to prove an offense. The Delhi High Court releases the NDPS accused on bail.



In a FIR filed for offenses under Sections 22(C), 25, and 29 of the NDPS Act, the Delhi High Court granted applications for ordinary bail.

According to the Delhi High Court, an accused person has been granted bail under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), stating that continuous contact with the co-accused does not prove an offense.

In a FIR filed for offenses under Sections 22(C), 25, and 29 of the NDPS Act, the court was considering applications for normal bail.

One Justice Bench **Amit Mahajan** ruled that the mere fact that the applicants and the co-

accused had frequent communication is insufficient to prove the applicants' guilt. Only after all of the evidence has been presented can it be determined if the WhatsApp conversations and the financial transactions between the applicants and the accused were related to the contraband.

APP Richa Dhawan represented the Respondents, and **Advocate Aditya Aggarwal** represented the Applicants.

Case Facts

According to the allegations, the police squad set up a trap in November 2024 based on a confidential tip, and three suspects—Laxman, Ankit, and Pankaj—were found to have been involved in the delivery of illegal goods. Two of the three defendants were taken into custody by the police, but Ankit escaped. Additionally, it was claimed that a brown cardboard box containing 176 boxes of Alprazolam tablets made by "Pure & Cure Healthcare Pvt Ltd." was found in accused Laxman's possession. Each box contained 1760 strips, and each strip contained 60 tablets weighing 14.080 kg. The accused Pankaj was also accused of possessing another brown cardboard box that contained 187 boxes of Alprazolam tablets made by "Mancare Laboratories Pvt. Ltd." Each box contained 1870 strips, and each strip contained 50 tablets weighing 13.090 kg.

Both of the accused were taken into custody throughout the investigation. They revealed under questioning that they were employed by Ankit, who kept illegal substances in his godown/medical shop. As a result, Ankit was also taken into custody and admitted that he had purchased the seized boxes from a man named Tanishq. Tanishq, the accused, revealed that he later placed an order with Vinay (Applicant) for the supply. Aditya, another accused, revealed that he obtained the drugs from the applicant, Raj Kumar Aggarwal. It was claimed that WhatsApp conversations between Raj and Amit were discovered throughout the course of the investigation, exposing conversations about a number of medications that were mentioned on the NRX, including tablets of Alprazolam. The applicant-accused, feeling wronged, went to the High Court to request bail.

Reasoning

"This Court does not deem it appropriate to comment extensively on the merits of the case when the charges are yet to be framed, but in the absence of any substantial corroboration lending credence to the disclosure statements, the applicants have been able to establish a prima facie case for grant of bail," the High Court stated in light of the case's facts and circumstances.

The Court observed that the applicants have clean records and that the NDPS Act's Section 37 embargo did not prevent them from being granted bail.

It's also important to remember that the chargesheet for this particular case has already been submitted. It is important to remember that the matter is still in the stage of arguments on charge, even though the applicants were only detained in January 2025. The trial will probably take a long time to finish under such conditions," it continued.

The Court further emphasized that the purpose of incarceration is to ensure the accused's presence at the trial; it is neither punitive nor preventive, and deprivation of liberty has been viewed as a kind of punishment.

It said,

"Even in other cases, any concern that the applicants will commit similar offenses or avoid trial can be addressed by imposing suitable conditions."

Therefore, subject to the Trial Court's approval, the Court ordered that the Applicants be released on bail upon providing a personal bond of Rs. 20,000 and two sureties of the same amount.

"The respondent may seek redress by submitting an application seeking cancellation of bail in the event that a FIR, DD entry, or complaint is filed against the applicants," the statement said.