

सतवीर सिंह लाम्बा
SATVIR SINGH LAMBA
विशेष न्यायाधीश (एन.डी.पी.एस.) पश्चिम
Special Judge (NDPS) West
दिल्ली
Delhi

20571

Bail Matters 1753/2025
STATE Vs. SAPAN KUMAR GAUTAM
FIR no. 537/2025
PS Rajouri Garden

24.11.2025

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

File perused. Heard.

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

Arguments heard. Clarifications sought.

It is submitted by the Ld. Counsel that the applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that the applicant has no role in the alleged offence. It is further submitted that nothing has been recovered from the possession or at the instance of the accused. It is further submitted that no independent witness has joined the investigation during the recovery proceedings from the co-accused. It is further submitted that recovery from the co-accused is of intermediate quantity, hence, there is no bar u/s 37 of NDPS Act in the present case. It is further submitted that the co-accused is the brother of the applicant/accused, therefore CDR connectivity is normal in daily course. It is contended that there is neither any chats or calls transcripts or anything incriminating

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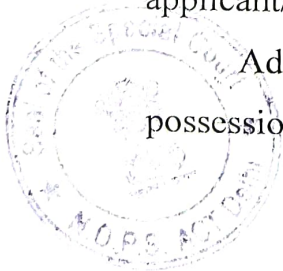
evidence against the applicant to connect the applicant with the recovery. It is further submitted that the applicant has already joined the investigation and is ready & willing to join the investigation of the present case as and when directed by the IO, in future also, but is having apprehension of his arrest in present false case. With these submissions prayer is made for grant of anticipatory bail.

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 allegations against the accused are serious in nature and the possibility of tempering of evidence and influencing of witnesses and fleeing away from the justice cannot be ruled out in case applicant/accused is admitted on bail.

Brief facts of the case are that on 08.10.2025, the co-accused Manish and Suresh were apprehended on the basis of suspicion and 1.080 Kg of Ganja was recovered from applicant/accused & 2.075 Kg of Ganja was recovered from the co-accused. Thereupon, after due compliance the present case was registered and further investigation was carried out. During investigation, both the accused persons had disclosed that the applicant/accused is source of the contraband.

Admittedly, no contraband was recovered from the possession of accused/applicant or at his instance during the

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investigation. The investigating agency has claimed that accused/applicant was having CDR connectivity with co-accused. It is not disputed that the applicant/accused and co-accused persons are real brother and the record of a few calls amongst the real brothers is neither unnatural nor abnormal nor suspicious in any manner, instead same appears to be normal and natural. Admittedly, there is no whatsapp chats between the accused/applicant and other co-accused persons. Admittedly, there is no transcription of the alleged calls of the applicant/accused with the co-accused persons.

Applicant/accused has already joined the investigation of the present case and nothing incriminating was recovered from his possession and during interrogation has fully cooperated in the investigation. Record reveals that applicant has already provided the documents sought by the IO and no unlawful financial link with the co-accused persons has come on record. Considering the totality of the facts and the submissions, present application for grant of anticipatory bail is allowed. In the event of his arrest, the applicant/accused be admitted to bail on furnishing bail bond in sum of Rs.25,000/- with one surety in the like amount, to the satisfaction of concerned Investigating Officer/Arresting Officer on the following terms and condition:

1. That the applicant shall join investigation as and when called by the Investigating Officer concerned.



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2. That the applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
3. That the applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
4. That the applicant shall appear before the Ld. Trial Court as and when the matter is taken up for hearing.
5. That the applicant shall not leave the country without prior permission of Ld. Trial Court.

Application stands disposed off. Copy of the order be given dasti, as prayed for.



Sd/-
(SATVIR SINGH LAMBA)
ASJ/SPECIAL JUDGE (NDPS),
WEST DISTRICT, DELHI/24.11.2025
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Delhi