

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Reserved on: February 24, 2022

Decided on: March 04, 2022

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**BAIL APPLN. 3673/2021**

NAMAN SHARMA

..... Petitioner

Represented by: Mr. Anurag Bindal, Mr. Ankur Gupta  
and Mr. B. Khan, Advocates.

Versus

STATE THROUGH NARCOTICS CONTROL  
BUREAU

..... Respondent

Represented by: Mr. Rajesh Manchanda, Special P.P.  
for the NCB.

**CORAM:**  
**HON'BLE MS. JUSTICE MUKTA GUPTA**  
**MUKTA GUPTA, J.**

1. By this petition, the petitioner seeks regular bail in case No. VIII/46/DZU/2021 under Sections 8(c)/20/22/29 of the NDPS Act on a complaint filed by the respondent-NCB.

2. Learned counsel for the petitioner contends that even as per the statement recorded under Section 67 of the NDPS Act which is inadmissible in evidence, the best case of the respondent is that the petitioner used to consume Ganja in the year 2017 and the payments thereof were made in the year 2021. Even as per the investigation, the group was created by Mohd. Aslam and Parichay Arora and merely because the petitioner was also made an Admin of the group, the liability of the entire group cannot be fastened on

the petitioner. Even from the transactions of payments made to Mohd. Aslam and Neil Singhvi by the petitioner, at best, four or five transactions have been shown wherein amounts transferred are ₹11,000, ₹5700, ₹1000, ₹2000 etc. The petitioner is not a drug trafficker. Though not admitting, even if at some stage the petitioner consumed the drugs, the same would not amount to dealing in a drug trafficking racket. He further states that the similarly placed co-accused namely Devesh Vasa has been granted bail by this Court and Aashray Pandey has been granted bail by the learned Special Court and hence, on parity, the petitioner be also granted bail. The petitioner was working after completing his studies at Kolkata when he was picked up by the officers of the respondent and implicated in this case. The complaint has been filed and the petitioner is no more required for investigation.

3. Learned counsel for the respondent states that in view of the embargo under Section 37 of the NDPS Act, no case for grant of bail to the petitioner is made out as there is every possibility that on being released on bail, the petitioner will again indulge in same kind of activities and the petitioner being a part of the larger drug network, his role cannot be segregated from the other accused.

4. Case of the prosecution in nutshell is that on the basis of an information, Guhan Sarvothaman was intercepted at the IGI Airport on 4<sup>th</sup> August 2021. On his search, 30 gms. of ganja and 0.45 gms. of Ecstasy were recovered. In the interrogation, he revealed about his friend Rahul Mishra, his address and the possibility of recovery of contraband from his house. Search was made at the house of Guhan Sarvothaman at Greater Noida, resulting in recovery of 1 kg of ganja and ₹15.5 lakhs in cash. Search was also made at the house of Rahul Mishra at Faridabad from where, 1.05 kg of ganja was recovered. Guhan Sarvothaman further

disclosed about one accused Aashray Pandey, who was thereafter intercepted at Ambience Mall with a parcel containing 410 gms. of ganja. Guhan Sarvothaman also informed about one Tareena Bhatnagar who had promised to get him high quality ganja and for which, she had paid a sum of ₹6 lakhs to Jasbir Singh. Thus, the links of Jasbir Singh were sought to be traced and it was found that Jasbir Singh operated under the pseudo name Optims Prime and Sharadha Surana operated under the pseudo name Beanskey on Telegram App in Orient Express Group. The Orient Express Group, wherein, number of people were indulging in sale and purchase of narcotics was created by Parichay Arora and Mohd. Aslam and the petitioner was one of the Admins of the said social media group. On the disclosure of Jasbir Singh and Sharadha Surana, search was conducted at the house of Suvashish Roy at Greater Noida, from where, 1.250 kgs. of Ganja, 16 gms. Ecstasy pills, 6 gms. Heroine, 40 gms. of Charas and 130 gms. of suspected psychotropic substance in different coloured little pills were found and 39.700 gms. concentrate of cannabis and 2.530 gms. liquid cannabis from a parcel at Foreign Post Office, Kolkata. One more accused Raghunath Kumar was identified who was recognized as Shopper stop on Wicket App who used to arrange narcotics drugs. According to the investigation, the contraband was marketed on social media platforms and then delivered to the customers/consumers through parcels.

5. Admittedly, even as per the prosecution, no recovery of contraband was made from the petitioner and the only evidence against him is that he was one of the Admins of Orient express group which was created by Mohd. Aslam and Parichay Arora and that the petitioner had transferred certain sums of money. As per the statement of accounts placed on record, a sum of ₹11,000/- was transferred by the petitioner to Mohd. Aslam on 21<sup>st</sup> June

2020, ₹5700/- to Neil Singhvi on 9<sup>th</sup> October 2020. Further, two transactions of ₹1000/- each and a transaction of ₹2300/- have been made to Parichay Arora. Even in the statement of the petitioner recorded under Section 67 of the NDPS Act, which is not admissible in evidence in view of the decision of the Hon'ble Supreme Court reported as (2021) 4 SCC 1 Tofan Singh Vs. State of Tamil Nadu, it is stated that in August 2020 during the lockdown, the petitioner was looking to buy weed for his consumption through telegram, thus used the keywords like 'weeds/marijuana', when he entered into two groups where he got scammed of ₹3500/-. In the same group, there was a user named Chico (Aslam) who asked the petitioner to join another group (The Orient Express) where there was a seller with the user name Pptheplug (Parichay Arora) who sent him some weed for the first time in advance without paying him which made him believe that he was a real seller. Later Aslam and Parichay Arora started adding more people in the group and made it a group of 200 members. In the group, there were 5-7 sellers who used to send weed parcels via courier services and the petitioner was one of them who used to buy for his consumption.

6. From the facts of the complaint as noted above and even based on the statement under Section 67 of the NDPS Act and the money transactions, it is evident that the petitioner was at best consuming narcotics drugs which he used to buy from the sellers in the group. Complaint has already been filed by the respondent; the petitioner is in judicial custody since 4<sup>th</sup> September 2021 and is no more required for investigation. Consequently, this Court deems it fit to grant bail to the petitioner.

7. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹1 lakh with two surety bonds of the like amount each, subject to the satisfaction of the learned Trial

Court/CMM/Duty Magistrate, out of which, one surety would be a family member of the petitioner; further subject to the conditions that the petitioner will not leave the country without the prior permission of the Court concerned and in case of change of residential address and/or mobile number, the same will be intimated to the Court concerned by way of an affidavit. Further, the petitioner will appear before the NCB office at Kolkata on the first Monday of every calendar month at 6.00 P.M.

8. Petition is disposed of.
9. Order be uploaded on the website of this Court.

**(MUKTA GUPTA)**  
**JUDGE**

**MARCH 04, 2022**

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