$~ 83

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

% ***Date of Decision: 30th October, 2026***

\# **CNR No. DLHC010430792026**

\+ BAIL APPLN. 3801/2026 & CRL.M.A. 28199/2026, CRL.M.A. 28201/2026

ABHISHEK @ ABHISHEK DHIMAN .....Petitioner

Through: Mr. Nishant Nain, Mr. Chanderjeet Yadav, Ms. Charu Sharma and Mr. Vashu Kumar, Advs.
M: 9818366274
Email: nishantnainlawchambers@gmail.com & mainnishant3748@gmail.com

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State
M: 9868632122
Insp. Gunjan Singh, ER-II Crime Branch

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of anticipatory bail to the petitioner, i.e., Sh. Abhishek Dhiman, S/o Sh. Radhey Shyam, in connection with the First Information Report ("FIR") being *FIR*

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:30.10.2026
20:34:55

No. 19/2026 dated 29th January, 2026, registered at Police Station ("PS") Crime Branch, New Delhi, under Sections 22/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act").

2. The facts pertinent for the adjudication of the present application, as culled out from the record, are as follows:

2.1. That on 28th January, 2026, at around 11:50 PM, a secret informer had given information that one Sh. Rajeev Sharma, who supplies illegal medicines like Alprazolam, Tramadol, in Delhi, will be coming to the Wazirabad road, Bhopura, Nand Nagri, Delhi, to supply illegal medicine.

2.2. On 29th January, 2026, at around 04:40 AM, a raiding team apprehended Sh. Rajeev Sharma and Sh. Shamim from the aforesaid location, while they were travelling in a car belonging to one Sh. Mohit Gupta.

2.3. Upon search, approximately 32 kgs of Alprazolam tablets along with a huge quantity of packing material, rubber stamps, and incriminating documents were recovered. On account of such recovery, the present FIR came to be registered.

2.4. During the course of investigation, pursuant to the statement of the aforesaid accused persons, Sh. Salman Khan, Sh. Mohit Gupta, and Sh. Randeep Singh were also apprehended. The said the accused persons disclosed that they procured Alprazolam printed aluminium foil from the petitioner.

2.5. The petitioner herein had earlier filed an anticipatory bail application, being *BAIL MATTER 548/2026,* under Section 482 of the BNSS, however, the same was dismissed *vide* order dated 02nd May, 2026, by the Special Judge (NDPS Act), Shahdara, Karkardooma Courts, Delhi.

3. Learned counsel appearing for the petitioner submits that one co-

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:30.10.2026
20:34:55

accused, i.e., Sh. Salman Khan, who was allegedly the supplier of the raw material for the purposes of manufacturing of the contraband recovered in the present case, has already been granted anticipatory bail by the Trial Court *vide* order dated 11th May, 2026, in *BAIL APPLN. 1427/2026.*

4. He submits that another co-accused, i.e., Sh. Randeep Singh, has been granted regular bail *vide* order dated 06th June, 2026, by the Trial Court, in *BAIL MATTER 770/2026,* as no recovery was made from such co-accused. Furthermore, the role of the said co-accused is more egregious than the petitioner as he was running a factory, wherein the contraband was allegedly manufactured.

5. He further submits that the petitioner is in the business of printing the packaging material for pharmaceutical companies, and no recovery has been made from the petitioner, Therefore, the petitioner is entitled to anticipatory bail.

6. *Per contra*, learned Additional Public Prosecutor ("APP") for the State submits that the custodial interrogation of the petitioner would be needed in order to unearth the various activities in which the petitioner has been involved, including the supply of packaging material to various companies.

7. Having heard learned counsels appearing for the parties, this Court, at the outset, notes that no recovery of any contraband has been made from the petitioner. The petitioner is in the business of packaging paper for the medicines, and the petitioner has only been arrayed upon the disclosure made by the co-accused, from whose possession, the contraband has been recovered.

8. The fact that no contraband has been recovered from the petitioner or at his instance or at his premises is a material fact. Though the name of the

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:30.10.2026
20:34:55

petitioner has been given in the disclosure statement of the co-accused persons, it is a given fact that no recovery as such has been made from the petitioner.

9. The learned APP for the State submits that as per the Call Detail Records ("CDR"), the petitioner has been in telephonic contact with the co-accused persons. However, the same as such cannot be a ground for incriminating the petitioner in any manner whatsoever.

10. This Court also takes note of the fact that a co-accused has been granted anticipatory bail by this Court, since no recovery was made from the said co-accused.

11. Thus, it is clear that there is no material as such on record to implicate the petitioner herein.

12. As far as the investigation is concerned, the same may continue. However, it is difficult for this Court to conclude that the petitioner is directly involved with the total quantity of contraband seized. Therefore, the petitioner cannot be put to the rigours/bar as contemplated under Section 37 of the NDPS Act.

13. This Court also notes that the petitioner has clean antecedents and is not involved in any other offence.

14. Further, this Court notes that the petitioner has already joined and participated in the investigation.

15. In the light of the aforesaid, the petitioner herein, i.e., Sh. Abhishek Dhiman, S/o Sh. Radhey Shyam, is granted anticipatory bail in connection with the *FIR No. 19/2026* dated 29th January, 2026, registered at PS Crime Branch, New Delhi, under Sections 22/25/29 of the NDPS Act.

16. As such, in case of arrest of the petitioner, he shall be released subject

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:30.10.2026
20:34:55

to him furnishing a bond in a sum of Rs. 50,000/- along with one surety of the like amount, subject to the satisfaction of the Trial Court and further subject to the following conditions:

A. The petitioner shall ordinarily reside at the address as mentioned in the Memo of Parties of the present application and shall not leave the same without prior permission of the concerned Court.

B. The petitioner shall surrender his Passport, if any, to the Investigating Officer ("IO").

C. The petitioner shall join and participate in the investigation as and when called by the IO.

D. The petitioner shall provide to the concerned IO all his mobile numbers, which shall be kept in working condition at all times.

E. The petitioner shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.

17. Accordingly, the present petition is allowed in the aforesaid terms.

18. The pending applications also stand disposed of.

19. Needless to state, the observations made hereinabove are only tentative in nature and will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

MINI PUSHKARNA, J

OCTOBER 30, 2026/KR

Signature Not Verified
Digitally Signed
By:HARIOM SHARMA
Signing Date:30.10.2026
20:34:55