

10 Bail Matters 2026-2025
CUSTOMS Vs. SAVALIYA DIVYANG
U/s. 20/23/29 NDPS Act

27.11.2025

Present: Ms. Meenu, Ld. Proxy Counsel for Sh. Ravi Agrawal, Ld. SPP for customs.
Sh. Ravi Agrawal, Ld. SPP for customs appeared thorough V/C.
IO/ACO Kemraj Meena.
Sh. Aditya Aggarwal, Ld. Counsel for applicant/accused appeared through V/C.
Ms. Shivani Sharma, Ld. Counsel for applicant/accused.

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Savaliya Divyang.

Reply to the bail application already filed. Copy already supplied.

Arguments heard.

It is stated by Ld. Counsel for applicant/accused that applicant/accused is innocent and falsely implicated in this case and in JC since 25.10.2025. It is further stated that nothing has been recovered from the possession of the accused or at the instance of accused. It is further stated that accused was arrested only on the disclosure statement of co-accused persons. It is further stated that rigors of section 37 of the Act does not apply to the present case as the recovery from the co-accused persons falls under intermediate quantity. It is further stated that recovery of 4.9 KG Ganja was made from co-accused Ajay and



Balvinder Kaur and nothing has been recovered from the present applicant. It is further stated that despit the fact that the accused is also involved in one more case of NDPS wherein the Hon'ble High Court has granted interim bail to the applicant/accused. It is further stated that non filing of chargesheet or pendency of investigation cannot be a bar in granting regular bail to the applicant in cae of intermediate quantity. It is further stated that the accused shall abide by all the conditions imposed by the court. Ld. Counsel for the applicant/accused has relied on **(1) Toofan Singh Vs State of Tamil Nadu; (2) Anisur Sekh VS Union of India SLP (crl.) 13009/2025 decided on 06.10.2025; (3) Karan Talwar Vs State of Tamil Nadu, SLP (Crl.) no. 10736/2022; (4) Shyam Gupta Vs State Crl. Rev. no. 421/2019; (5) Mamta Sapra V s Stae of NCT of Delhi Crl. Rev. P. 294/2023; (6) Kunwarpal Vs State through SHO Crl. M.C. 6586/2023; (7) Khairul SK Vs State of West Bengal SLP no. 13282/2023; (8) Chand Mehra Vs State of NCT of Delhi Bail Appl o. 4245/2021; (9) Harbhajan Singh Vs State of Haryana Crl. Appeal no. 1480/2011 and (10) Sultan Singh Vs State of Punjab SLP (Crl.) 7609/2025** and prayed that applicant/accused be granted bail.

Ld. SPP for the customs has opposed the bail application vide his reply dated 20.11.2025 and 27.11.2025. It is submitted that the accused Savaliya Divyang was apprehended along with other accused on the basis of disclosure of Ajay



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Kumar and Balwinder Kaur. It is further stated and prayed that bail application be dismissed.

Submissions heard. Considered.

Applicant/accused Savaliya Divyang S/o Sh. Jayantibhai was arrested on the disclosure statement of accused Ajay Kumar and Balwinder Kaur and nothing has been recovered from applicant/accused.

Law with respect to the disclosure statement of the accused persons is laid down by the Apex Court. The Apex Court in case of *Tofan Singh v. State of Tamil Nadu (CRL Appeal No. 152/2013)* decided on 29.10.2020, in which it was observed that any statement made by the accused is inadmissible in evidence except to the extent of any recovery having been made pursuant to the alleged disclosure statement.

The applicant/accused Savaliya Divyang S/o Sh. Jayantibhai is in custody since 25.10.2025. Conclusion of trial is not likely to take place very soon and no useful purpose shall be served by keeping the applicant/accused in judicial custody.

Considering the overall facts and circumstances, the period of incarceration of the applicant/accused and the fact that there is no requirement of further custody of applicant/accused, applicant/accused Savaliya Divyang S/o Sh. Jayantibhai is admitted to bail on his furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount.



The bail is granted subject to the following conditions:

1. The applicant/accused shall not directly or indirectly in any manner contact, influence or threaten the witnesses;
2. The applicant/accused shall not leave country without prior permission of the court;
3. The applicant/accused shall not tamper with evidence of the case in any manner.
4. The applicant/accused shall not commit similar offence, failing which State shall be entitled for cancellation of bail.

Copy of the order be sent to accused through Jail Superintendent concerned. Copy of order be also given dasti to the parties.



(MANU GOEL KHARB)
SPECIAL JUDGE(NDPS)-02
DWARKA COURTS, NEW DELHI

27.11.2025
विशेष न्यायालय (स्पेशल जूज़-02)
Special Judge (NDPS-02)
कोर्ट नं. 301, तीसरी मंजिल
Court No. 301, Third Floor
द्वारका कोर्ट (द.प.) नई दिल्ली
Dwarka Courts (S-W), New Delhi

True W.M
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27.11.25