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

+ **BAIL APPLN. 1071/2019**

VITALIS CHINDENU OPARA Petitioner

Through: Mr. Anish Shresth and Mr. Firoz
Khan, Advs.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Hirein Sharma, APP for State
with ASI Jogender Singh, PS – Crime
Branch

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

31.10.2019

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Vide the present petition, the petitioner seeks bail in the FIR No.132/2017, registered at Crime Branch, Delhi for the offences punishable under Sections 21 of NDPS Act and under Section 14 of the Foreigners Act.

It is not in dispute that the petitioner is in custody since 08.08.2017 and 70 grams of cocaine was recovered from the petitioner, which falls in the intermediate quantity category. If the petitioner is convicted by the learned Trial Court, the sentence would be from one year to 5 years and he is in custody since 08.08.2017.

Learned APP on behalf of the State submits that the petitioner has no passport and visa as on date. Therefore, his release from the jail would amount to illegal stay in this Country.

Learned counsel for the petitioner has disputed the aforesaid fact and submits that the passport has been renewed. The same was issued on 13.05.2019 and it is valid upto 12.05.2024. He has produced the photocopy of the same and handed over the same to learned APP.

Learned APP for the State has pointed out that the passport is issued in the name of *Eke James Opara*, whereas the name of the petitioner in FIR is *Vitalis Chinedu Opera*.

Learned counsel for the petitioner submits that the aforementioned passport is issued by the Embassy of Federal Republic of Nigeria, where he was produced from jail. He further submits that *Eke James Opara* and *Vitalis Chinedu Opera* is one and the same person, therefore, there is no discrepancy in the names.

Keeping in view the fact that the petitioner is in jail since 08.08.2017 and 70 grams of cocaine was recovered from the petitioner, which falls under the intermediate quantity category, this Court is inclined to admit the petitioner on bail.

Accordingly, I hereby suspend the sentence of the petitioner during trial. Therefore, the petitioner shall be released on bail on his furnishing personal bond in the sum of ₹50,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

The petitioner shall appear before the Trial Court on the date fixed and shall not leave the Country without permission of the Court. He shall also make his attendance at Crime Branch, Delhi on every Sunday between 4 to 6 PM.

The petitioner shall not involve himself in any other case and in the event of any report against him, this Court would consider the desirability of

cancelling the suspension of sentence.

The petition is allowed and disposed of.

Order *dasti* under the signatures of Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

SURESH KUMAR KAIT, J

OCTOBER 31, 2019

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