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

+ CRL.M.C. 1495/2024

CISSE MAMADOU @ SISSE MAMADOU Petitioner

Through: Mr. Ankur Jain, Mr. Aniruddha Singh
Rajavat and Mr. Rohan Kumar, Advs.

versus

NARCOTICS CONTROL BUREAU Respondent

Through: Mr. Subhash Bansal, Sr. SC with Mr.
Shaswat Bansal, Adv.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

28.02.2024

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1. The present petition has been filed seeking modification of the order dated 11.12.2023 passed by learned ASJ/Spl. Jude, NDPS, whereby the condition of bail that the petitioner shall furnish a personal bond in the sum of Rs. 1 Lakh with 02 sureties was modified to the extent that the petitioner shall furnish a personal bond in the sum of Rs. 1 Lakh with 01 surety of the like amount.
2. The learned counsel for the petitioner submits that despite said modification *vide* impugned order dated 11.12.2023, the petitioner has not been able to arrange the surety bond of Rs. 1 Lakh and for the said reason he is still languishing in jail.
3. A further modification of the impugned order dated 11.12.2023 has been sought in the present application. A prayer is made that the surety bond



amount be reduced to Rs. 50,000/-.

4. He also prays for the waiver of condition no. 8 mentioned in order dated 20.07.2023 whereby the bail was granted to the petitioner. The said condition 8 reads as under:

“8. accused will file certificate of assurance from embassy/High Commission of Cote D’Ivoire that accused will not leave country and shall appear before the Court on each and every date of hearing.”

5. In support of his contention the reliance has been placed by the learned counsel on the decision of the Hon’ble Supreme Court in “**Frank Vitus Vs. Narcotics Control Bureau & Ors.**” [DoD 23.02.2024, SLP (CRL) 6339- 6340/2023]. The relevant part of the said order reads as under:

“Another issue regarding furnishing assurance from the Embassy will have to be gone into. Prima facie, we are of the view that such onerous condition cannot be put as no Embassy will be in a position to give such assurance.

Therefore, we direct that the petitioner shall be released on interim bail on the terms and conditions incorporated in the impugned order except for the condition regarding dropping a PIN on the google map and obtaining assurance from the High Commission of Nigeria.

We also clarify that the petitioner shall be released on interim bail by furnishing surety in the sum of Rs.50,000/- (Rupees fifty thousand) (and not Rs.2,00,000/- [Rupees two lakhs] as directed by the High Court.)”

6. In view of the above, the order dated 11.12.2023 is modified to the extent that the petitioner shall be released on bail subject to his furnishing a personal bond in the sum of Rs. 1 lac and one surety bond in the sum of Rs.50,000/-.



7. Insofar as the condition of furnishing a certificate of assurance from the Embassy / High Commission of *Cote D'Ivoire* in the order dated 20.07.2023 is concerned, the same is waived.
8. The petition is disposed of.

VIKAS MAHAJAN, J

FEBRUARY 28, 2024
N.S. ASWAL