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

+ CRL.M.C. 2794/2024 & CRL.M.A. 10613/2024 (Exemption)

JOSE ALBERTO GALINDEZ

..... Petitioner

Through: Mr. Arun K. Srivastava, Mr. Ashish
Sindhu & Ms. Shaheena Parveen,
Adv.

Versus

NARCOTICS CONTROL BUREAU NCB

..... Respondent

Through: Mr. Shashwat Bansal, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

23.04.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:-

“In view of the facts and circumstances as stated above, and in the interest of justice, it is therefore prayed that this Hon 'ble Court may graciously be pleased to, modify the directions in order dated 13.03.2024 passed by Sh. Sudhir Kumar Sirohi, ASJ/Spl. Judge, NDPS, New Delhi in Crime No. VIII/15/DZU/2018 reducing the bond amount as well as the number of surety.

pass any order/orders as this Hon'ble Court may deem it fit and necessary in the interest of justice.”

2. Learned counsel for the petitioner submits that *vide* order dated 27.07.2023, the present petitioner was granted bail by the learned ASJ, Special Judge NDPS, New Delhi, on his furnishing a personal bond in the



sum of Rs. 1 Lakh with two sureties of like amount and subject to further conditions. Subsequently *vide* order dated 13.03.2024, the learned ASJ modified the aforesaid order whereby condition to furnish certificate of assurance from High Commission of Colombia was waived off and it was further directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with two sureties of like amount.

3. Learned counsel for the petitioner submits that despite the passing of the aforesaid order, the petitioner is unable to furnish sureties of the said amount on account of the fact that he is a foreign national and has been in judicial custody for more than 5 years.

4. A perusal of the order dated 27.07.2023 further reflects that out of the 13 witnesses cited by the prosecution, only one witness was examined.

5. On a pointed query, learned counsel for the NCB submits that after the passing of the order, dated 27.07.2023, granting bail to the present applicant no further witness has been examined in the present case.

6. In totality of the facts and circumstances of the case, the present petition is partly allowed, the order dated 27.07.2023 passed by learned ASJ, Special Judge, NDPS and as modified on 13.03.2024, is further modified to the extent that the present petitioner be released on bail on furnishing a personal bond of Rs. 1 Lakh with cash security of the same amount to the satisfaction of the concerned Jail Superintendent.

7. In view of the above, the petition is partly allowed and disposed of accordingly.

8. Pending application(s), if any, also stand disposed of.

9. Order be uploaded on the website of this Court, *forthwith*.



10. A copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

AMIT SHARMA, J

APRIL 23, 2024/nk

[Click here to check corrigendum, if any](#)