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

+ **BAIL APPLN. 2251/2023**

CHIBUZO @ CHIBUZOR CRISTATUSPetitioner

Through: Mr.Arun K. Srivastava, Mr.Ashish
Sindhu and Ms.Shahina Praveen, Advocates

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Aashneet Singh, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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09.07.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.4/2021 registered under Sections 21 NDPS Act, Section 14 Foreigner Act and Sections 471/474 IPC at P.S. Vikas Puri, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 05.01.2021 and though charges have been framed on 08.12.2021, however, till date only 6 out of total 20 witnesses have been examined. He further submits that the trial will take some time and that the applicant is not involved in any other case. In support of his submission, learned counsel for the applicant has relied upon the Supreme Court decision in Rabi Prakash v. State of Odisha reported as **2023 SCC OnLine SC 1109** and Man Mandal & Anr. v. State of West Bengal reported as **2023 SCC OnLine SC 1868**, wherein while considering the period of incarceration and the fact that the trial was likely to take a long time, the Supreme Court



granted bail to individuals involved in cases related to NDPS Act.

3. Learned APP for the State has opposed the bail application. He contends that the applicant is a Nigerian national and was found in possession of 305 gms of *Heroin*, which is commercial quantity, and thus rigours of Section 37 of the NDPS Act are applicable. He further states that there is a risk of the applicant fleeing the country as at the time of his apprehension, only a photocopy of the passport was seized and the visa was also found to be fake. He, on instructions, submits that the applicant is not found involved in any other case.

4. At this stage, learned counsel for the applicant submits that in order to allay the apprehension of the applicant being a flight risk, the applicant volunteers to surrender his passport to the concerned I.O.

5. In view of the facts and circumstances of the case and considering the period of custody as well as the fact that till date only 6 witnesses have been examined and that the trial is likely to take some time, this Court is of the opinion that parameters of Section 37 stand satisfied. It is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M., subject to depositing the passport with the concerned I.O. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the trial court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.



- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
- 6. The bail application is disposed of in the above terms.
 - 7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 - 8. Copy of the order be uploaded on the website forthwith.
 - 9. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

JULY 9, 2024

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