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

+ **BAIL APPLN. 2708/2022**

NICHOLAS NZUBE UKAEGBU

..... Applicant

Through: Mr.Faraz Maqbool, Adv.
(DHCLSC) with Mr.Chandan
Kumar, Mr.Chinmayi
Chaterjee, Advs.

versus

NARCOTIC CONTROL BUREAU & ANR. Respondents

Through: Mr.Utsav Singh, SPP with
Mr. Rana Debnath, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.05.2024

CRL.M.A. 13119/2024

1. This application has been filed under Section 441 read with Section 482 of the Code of Criminal Procedure, 1973 seeking modification in the conditions of bail granted to the applicant vide order dated 13.02.2024 passed by this Court.

2. One of the conditions of releasing the applicant on bail is that the applicant shall furnish a personal bond in the sum of Rs.50,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court.

3. This application has been filed stating that the applicant is a foreign national and has tried his best to furnish a local surety, but was unable to arrange for the same, because of which, the order passed by this Court has not yet accrued to the benefit of the applicant and the applicant still remains in custody.

4. The learned counsel for the respondents submits that the



condition of a surety is necessary as the applicant is a foreign national and he may abscond from the process of law, once released on bail.

5. In my view, the said position has been also taken note of by this Court vide its order dated 13.02.2024, while prescribing the following condition:

“vii. The IO is further directed to issue a request to the Bureau of Immigration, Ministry of Home Affairs of the Government of India or other appropriate authority, to forthwith open a 'Look-out-Circular' in the Applicant's name, to prevent the Applicant from leaving the country, without the permission of the learned Trial Court.”

6. The applicant, in spite of the order to be released on bail, continues to languish in jail only for his inability to obtain a local surety being a foreign national.

7. Keeping in view the above, the conditions of releasing the applicant on bail are modified to the limited extent that the applicant shall be released on bail upon furnishing a personal bond of Rs.50,000/-, while the condition for furnishing a local surety shall stand waived.

8. All the other conditions as stipulated in the order dated 13.02.2024, shall continue to operate as directed.

9. The application is disposed of in the above terms.

10. Copy of this order be sent to the concerned Jail Superintendent.

NAVIN CHAWLA, J

MAY 24, 2024

RN/am

Click here to check corrigendum, if any