



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

208

CRM-M-71727-2025 (O&amp;M)

Date of decision: 24.12.2025

Frank Nwokeji

....Petitioner

Versus

State of U.T. Chandigarh

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Robin Singh Hooda, Advocate for the petitioner

Mr. Manish Bansal, P.P. for U.T. Chandigarh and  
Mr. Dixit Bhardwaj, Advocate for the respondent

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.05 dated 30.03.2024, registered under Section 22 of the NDPS Act, at Police Station ANTF, Chandigarh.

2. Learned counsel contends that the petitioner has been in custody for 1 year and about 9 months. The alleged recovery from the petitioner is marginally above the non-commercial quantity, it being 65.13 grams of Amphetamine. His passport is already with the police. There is non-compliance of mandatory provisions of Sections 41 and 42 of NDPS Act. Co-accused Jack David Ilobi Tochukwu Devid and Lua Gilbert have been granted bail by this Court vide orders dated 02.12.2025 and 11.12.2025, Annexures P-4 and P-5 respectively, after being in custody for 1 year, 8 months and 2/4 days. Charges have been framed on 11.10.2024 and only 5 out of 17 PWs have been examined. The petitioner is not involved in any other case.



3. The custody certificate dated 23.12.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 8 months and 24 days.

4. Learned counsel for the UT Chandigarh opposes the bail on the ground that commercial quantity of contraband was recovered from the petitioner and his co-accused. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and petitioner being not involved in any other case.

5. Heard.

6. This Court in **Sarabjeet Singh @ Sarbi vs. State of Punjab**, CRMM-718-2023, on 24.03.2023, and in **Karandeep Singh @ Sunny vs. State of Punjab**, CRM-M-9712-2021, on 06.09.2021, a case of recovery of 270 and 150 grams of heroin from two accused, being marginally higher than non-commercial quantity after about 11 months. Similarly in **Simrapal Singh vs. UOI**, CRM-M10276-2021, on 17.09.2021, the custody being of about 1 year and the recovery 1.5 grams of charas, marginally above non-commercial quantity, against which the SLP filed by UOI was dismissed on 23.01.2023, in **Basanti Mondal and Ors. vs. State of West Bengal**, SLP (Crl.) No.12586/2022 on 29.03.2023, to the lady after 1 year of custody, recovery being of 6548 bottles, each contained 100 ml of phensedyl cough linctus codeine and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 8 months and 24 days; not



involved in any other case; co-accused are on bail; charges were framed on 11.10.2024, however, 12 more prosecution witnesses still remain to be examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The petitioner shall also report to the concerned Police Station on the first Monday of every month.
- (x) The passport of the petitioner shall not be handed over



to him without permission of the trial Court.

- (xi) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

**(AMAN CHAUDHARY)**  
**JUDGE**

**24.12.2025**

M.Kamra

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |