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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2363/2025**
IKECHUKWU GODSPOWER UGOPetitioner
Through: Ms. Shahina Parveen, Advocate.

versus

STATE NCT OF DELHIRespondent
Through: Ms. Priyanka Dalal, APP for State
With SI Sumit, Narcotics Cell.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER

11.08.2025

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1. Petitioner herein seeks bail being an accused in FIR No. 303/2022 dated 12.04.2022 under Section 21 of the NDPS Act and Sections 420/467/468/471 of the IPC read with Section 14A of the Foreigner Act registered at Police Station Uttam Nagar.
2. Per FIR, the case of the prosecution is that an informer provided a tip on 12th April 2022 that between 9:40 PM to 10:00 PM, an African man named Ikechukwu, who is involved in the supply of heroin, would be at Som Bazar Chowk, Kabari Road, OM Vihar Phase-1, Uttam Nagar to deliver drugs. Acting swiftly on the information, ASI (Assistant Sub-Inspector) and the raiding team apprehended Ikechukwu at 9:42 PM.
- 2.1 The man, identified as Ikechukwu Godspower Ugo, aged 38 years, a resident of Onitsha, Nigeria, was informed about the charges and his legal rights regarding a search under the NDPS Act. He was given a computerized notice explaining his rights to have the search conducted in front of a



Gazetted Officer or Magistrate. Ikechukwu signed the notice, declining the offer, stating that he trusted the police and did not want a search before a Gazetted Officer.

2.2 Efforts were made to involve a passerby named Bhim Das, but he declined to participate due to time constraints. Similarly, another passerby, Chandrika, also declined for similar reasons.

2.3 At around 10:25 PM, ACP Harish Kukreti arrived on the scene, introduced himself, and confirmed the situation. Upon ACP's orders, a search was conducted, and a white polythene packet was found in Ikechukwu's right pocket. The packet contained a yellowish substance that tested positive for heroin using a field testing kit. The total weight of the heroin, including the polythene, was 361 grams.

3. In the aforesaid backdrop, I have heard learned counsel for the petitioner and respondent as well perused the material available on record.

4. The learned counsel for the petitioner would submit that prosecution wrongly implicated the accused instead of one Uzo Okoye. As per the Disclosure statement of accused dated 13/04/2022, Uzo Okoye is the main source of supplier. However, the prosecution did not even try to search him.

4.1. The learned counsel would further submit that the prosecution has not taken any order from a competent authority authorising to conduct the raid or to arrest and detain the petitioner.

4.1. The counsel for the petitioner also seeks grant of bail on humanitarian grounds stating that there is no other male at his home and no earning member in his family.

5. *Au Contraire*, it is contended by learned APP that the accused does not deserve bail. The drugs recovered from the accused are of commercial



quantity and rigours of section U/s 37 NDPS Act is applicable.

5.1. Moreover, an adverse FSL report of the recovered drugs from the accused has also been received.

5.2. It is further contended by the learned APP that the accused does not have any permanent address in India, due to which he can jump bail, if granted.

6. Having heard the learned counsels and perused the file and given the nature of the allegations against the applicant and role attributed to the applicant, it does not appear to be a case for bail.

7. Moreover, it transpires that applicant is suspected to have forged his VISA on the Passport to continue to illegally stay in India, after expiry of the earlier valid VISA by virtue of which he entered the country. It thus seems highly probable that the applicant may misuse the concession being a flight risk.

6. Aside above, the attention of the Court has been drawn by the learned APP to the punishment ticket attached with the Nominal Roll dated 29.07.2025.

7. It appears that the applicant otherwise also seems to have satisfactory conduct in jail, in any manner, so as to be granted the indulgence of bail at this stage. Possibility of his influencing/intimidating the witnesses cannot be ruled out if he is let out.

8. Apart from the above, it does not appear to be a case where this Court, at this stage, is in a position to record any observation qua the first test envisaged under Section 37, that the applicant is not likely to be convicted. In fact, on the touchstone of the twin test under Section 37, on both counts, the petitioner fails to satisfy this Court.



9. Taking the wholesome view, I find no ground to grant bail to the applicant, at this stage.
10. In view thereof, the bail application stands dismissed.

ARUN MONGA, J

AUGUST 11, 2025/SV