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

+ **W.P.(CRL) 2074/2025**

ABILITY DODZI @ CHINAZOM ABILITY

.....Petitioner

Through: Mr. Anup Kr. Das, Mr. Uday
Chauhan, Advs.

versus

STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) for State
with Mr. Sangeet Sibou, Mr. Priyansh
Raj Singh Senger, Mr. Aniket Kr.
Singh, Advs.
Ms. Radhika Biswajit Dubey, SPC for
UOI with Mr. Sankalp Mishra, G.P.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.10.2025

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1. The present petition filed under Articles 226 and 227 of the Constitution of India, 1950, seeks a declaration that the arrest of the Petitioner on 26th June 2025, by Respondent No. 1, is illegal. This arrest pertains to FIR No. 238/2024 registered at P.S. Sunlight Colony, under Sections 21, 61, and 85 of the Narcotic Drugs and Psychotropic Substances Act,¹ and Section 14 of the Foreigners Act, 1946.

2. The Petitioner claims to be a foreign national of Nigerian origin. It is his case that he was unlawfully apprehended from his residence by officials



of P.S. Maidangarhi, without being informed of any reason for such action. He alleges that he was thereafter illegally detained for a continuous period of five days, without being apprised of the grounds of his arrest. It is further contended that he was not produced before a Magistrate within 24 hours of his detention, in contravention of the mandate under Article 22(1) of the Constitution of India.

3. In response, the State has submitted that the Petitioner was arrested on 26th June, 2025, at 12:00 hrs at the office of the Anti-Narcotics Squad² (South-East District), in connection with FIR No. 238/2024 dated 24th July, 2024, registered at P.S. Sunlight Colony under Sections 21, 61, and 85 of the NDPS Act and Section 14 of the Foreigners Act.

4. It is explained that, during the course of investigation in the said case, the co-accused previously apprehended, disclosed the name of the Petitioner as one of their associates. Multiple raids were thereafter conducted in an attempt to apprehend the Petitioner; however, he could not be traced. The investigating agency also recovered CCTV footage allegedly showing the Petitioner involved in the packaging of contraband substances. As the Petitioner was found to be absconding, a Look-Out Circular³ was issued in his name.

5. Subsequently, on the intervening night of 25th and 26th June, 2025, ANS received information that the Petitioner had been detained at P.S. Maidangarhi. Upon reaching the said police station, it is stated that the Petitioner initially misled the officials by identifying himself as one Chinazom Ability, son of Okafor, aged 38 years, resident of B-189,

¹ “NDPS Act”

² “ANS”

³ “LOC”



Maidangarhi Extension-I, New Delhi, and produced a Nigerian passport in support of his identity.

6. In order to ascertain his identity, the Petitioner voluntarily accompanied the police officials to the ANS office, where he was confronted with CCTV footage and certain documents. Upon such confrontation, the Petitioner admitted that he was, in fact, Ability Dodzi @ Chinazom Ability, a Nigerian national, who, along with co-accused Serge Pacome, was involved in the supply of cocaine under the directions of one Kanate Daouda @ KD. In view of his role in FIR No. 238/2024 and the subsisting LOC, the Petitioner was placed under arrest at the ANS office. He was also confronted with the previously seized CCTV footage, showing him weighing and packaging cocaine into small packets; however he failed to offer any explanation regarding his presence in the footage, and thereafter declined to respond to further queries. When specifically questioned regarding his links with the co-accused as well as the details of the drug syndicate, including WhatsApp chats and bank transactions, the Petitioner is stated to have remained silent.

7. It is further submitted that, following due identification, the Petitioner was arrested at approximately 12:00 hrs on 26th June, 2025, by the officials of the Anti-Narcotics Squad. He was duly informed, in writing, of the grounds and reasons for his arrest, as well as of his legal rights. The Petitioner was thereafter produced before the Duty JMFC, Saket Courts, on the same day, where he was remanded to judicial custody. The State has also placed on record a copy of the arrest memo, which specifically notes that intimation regarding the arrest was provided to the Petitioner's wife.

8. The Court has considered the aforementioned contentions. Upon perusal of



the status report and the documents placed on record, this Court is of the considered view that the arrest of the Petitioner in FIR No. 238/2024 appears to have been carried out in accordance with law. The records indicate that the Petitioner was arrested on 26th June, 2025, at 12:00 hrs and was produced before the Duty Magistrate within the statutory period of 24 hours, as mandated under Article 22(2) of the Constitution of India.

9. In view of the above, this Court finds no ground to hold that the arrest of the Petitioner was unlawful, so as to warrant a declaration to that effect.

10. It is, however, clarified that if the Petitioner has any grievance with respect to alleged unlawful detention by officials of P.S. Maidangarhi prior to his arrest, he shall be at liberty to avail appropriate legal remedies, as may available to him, in accordance with law.

11. The petition is disposed of.

SANJEEV NARULA, J

OCTOBER 15, 2025/ck