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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1051/2026&CRL.M.A. 7929-7931/2026**
OMOLARA SUSAN ABOLARINPetitioner

Through: Mr. Meghan, Advocate.

versus

CUSTOMS

.....Respondent

Through: Mr. Vishal Chadha, SSC with Mr.
Chandan Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

28.04.2026

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1. Applicant seeks regular bail in case No. VIII (AP)10/P&I/3287-A/Arrival/2021, for commission of offences under Sections 8/21/23/29/43(b) of *Narcotic Drugs and Psychotropic Substances Act, 1985*.

2. Briefly stated, as per prosecution story, the applicant arrived at IGI Airport, New Delhi on 09.12.2021 *via* flight No. QR-580 from Doha. On the basis of random checking, when her baggage was searched, 2837.7 gms of *cocaine* was recovered from her possession.

3. The abovesaid quantity is, admittedly, commercial in nature.

4. The requisite documentation was done and after carrying out necessary investigation, a complaint was filed before the Competent Court.

5. The Court has already ascertained charges and the trial has already begun.

6. Three witnesses have been examined by the prosecution and according to learned counsel for the applicant, two witnesses have been dropped and with respect to two other witnesses, the relevant documents have been admitted by the defence.

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7. Learned counsel for applicant submits that the alleged date of interception is 09.12.2021 and the applicant is in custody since then and apparently, her custody period as on date is around 4 ½ years. It is submitted that it was her first visit to India and, therefore, there was no chance of her committing any offence in India, prior to the above. An affidavit to that effect has, however, been shown. It is taken on record.

8. Besides the abovesaid long incarceration period, the main ground taken by the applicant is to the effect that the deposition on record does not disclose the most vital aspect of the case i.e. sealing of the case property. He submits that two recovery witnesses, including IO, have already entered into witness box and they have not whispered even a single word regarding sealing of the case property. So much so, they do not even recall the seal impression.

9. The copies of testimony of the PW-2 Vineet and PW-3 Gauri Bholla have been placed on record and their deposition, as noted, is conspicuously silent about the aspect related to the sealing of the case property.

10. Learned Trial Court, while dismissing the bail application of the applicant on 28.02.2026 also made reference to the abovesaid omission on the part of the prosecution as it, categorically, observed that none of the two recovery witnesses had deposed anything about the sealing of the case property but at the same time it went on to observe that, merely because, there was no deposition to said effect, it would not mean that there was no sealing or that there was tempering with the case property.

11. Learned Senior Standing Counsel for respondent submits that both the witnesses have supported the case of prosecution on all other material aspects and the abovesaid omission, in itself, would not mean anything substantial when they have also proved the relevant documents.



12. Fact, however, remains that in such type of the matters, the importance and significance attached to the sealing of the case property cannot be undermined in any manner whatsoever. Both the recovery witnesses have not mentioned anything about the sealing of the case property, much less about the seal impression. There is no cross-examination of PW-2. According to learned counsel for applicant, it was not a case where he did not want to cross-examine the witness. It was because of the fact that on the relevant date, he could not appear and could not cross-examine the witness. He submits that option is always open to defence and as and when, so advised, appropriate application would be moved by the applicant.

13. Fact, however, remains that as per the deposition of abovesaid two witnesses, there is no whisper about the sealing of the case property, which goes to the very root of the matter.

14. Keeping in mind the abovesaid omission and the fact that the applicant, who has no previous history, is in incarceration for approximately 4 ½ years, *albeit*, without expressing any opinion over the merits of the case, the applicant is, hereby, directed to be released on bail on her furnishing personal bond in a sum of Rs. 50,000/- with one surety of like amount, subject to the satisfaction of learned Trial Court/CJM/Duty Magistrate with following conditions:-

- (i) The applicant shall appear before the learned Trial Court on each and every date of hearing and would not seek any adjournment, unless it is absolutely required.
- (ii) The applicant would provide her Mobile Number and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.
- (iii) The applicant would not try to come in contact of any



witness, directly or indirectly.

(iv) The applicant would not change her address and in case there is any change in the address, the same shall be duly intimated not only to the Investigating Officer but also to the learned Trial Court.

(v) In terms of the judgment of the Supreme Court in *Frank Vitus v. Narcotics Control Bureau and Ors*: (2025) 3 SCC 1, the State shall immediately communicate the order granting bail, to the concerned Foreign Registration Officer appointed under Rule 3 of the Registration of Foreigners Rules, 1992, who in turn, shall communicate the order to all concerned authorities including civil authorities.

15. The application stands disposed of in aforesaid terms.

16. Pending applications also stand disposed of.

17. A copy of this Order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

18. It is, however, clarified that the observations made hereinabove are tentative in nature and shall not be taken as final expression on merits of the case.

MANOJ JAIN, J

APRIL 28, 2026/sw/js