



2026:DHC:4946



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

Reserved on: 18.05.2026
Pronounced on: 30.05.2026
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+ BAIL APPLN. 1530/2026

NNAKA CHRISTIAN ILECHUKWUPetitioner
Through: Mr. Md. Suza Faisal, Advocate.

versus

NCBRespondent
Through: Mr. Arun Khatri, SSC for NCB
with Ms. Shelly Dixit, Mr.
Pranarjeet Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks grant of regular bail in connection with NCB Case No. VIII/67/DZU/2022, under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"], lodged at Narcotics Control Bureau, Delhi Zonal Unit.

2. I have heard Mr. Md. Suza Faisal, learned counsel for the petitioner, and Mr. Arun Khatri, learned Standing Counsel for respondent. The prosecution has placed on record a status report dated 08.05.2026.

I. PROSECUTION CASE

3. The prosecution case, as emerging from the material on record, is



as follows:

- A. On 14.09.2022, on the basis of secret information, a parcel [bearing AWB No. 1Z59F54F0474434032] was checked at UPS Express Pvt. Ltd., DCSC Cargo, Terminal-3, IGI Airport, New Delhi. Upon search of the said parcel, 360 grams of Amphetamine was recovered. The parcel was addressed to one Terry Singelton [at 14, Ngatmianawa Road, Murupara-3205, New Zealand] and was booked by one Saraswati Thakur.
- B. The contraband and documents annexed with the parcel was seized in the presence of independent witnesses at the spot. The CRCL report gave a positive test for Methamphetamine.
- C. During investigation, it was found that Saraswati Thakur booked the parcel in question from the UPS Express office at Jaipur, on the instructions of the petitioner. There is CCTV footage, in which Saraswati Thakur is seen at UPS Express, Jaipur, with a parcel.
- D. Statement of Saraswati Thakur under Section 67 of the NDPS Act was also recorded, in which she admitted booking the said parcel, and also admitted involvement in commission of the offence, alongwith the petitioner herein. She disclosed that on 10.09.2022, she had received Rs. 1,300/- through UPI payment to receive the parcel from the petitioner's house at Kutub Vihar, New Delhi. She received the said parcel on 12.09.2022 and booked the concerned delivery on 13.09.2022. Thereafter, the booking receipt of the parcel was handed over to the petitioner. She further disclosed that on the petitioner's directions, she deleted all chats with the petitioner.



- E. On the basis of the aforesaid, Saraswati Thakur was arrested on 29.09.2022.
- F. At the instance of Saraswati Thakur, the petitioner was apprehended from his residence, and recovery of the parcel booking receipt, two weighing machines, and five mobile phones, alongwith other documents was effected from his residence.
- G. The petitioner admitted his involvement in the commission of the offence, alongwith others, in his statement under Section 67 of the NDPS Act. The petitioner disclosed that, in September 2022, he offered co-accused Saraswati Thakur remuneration for sending drug parcels abroad from India with her identification cards. Upon agreeing to the same, she visited the petitioner's residence on 12.09.2022, when she was given two drug parcels, and Rs. 30,000/-. He stated that the drugs were concealed in ladies' hand bag. He stated that he instructed Saraswati Thakur to book the parcel from Jaipur, and admitted to receiving the booking receipt. The petitioner further disclosed that on his instructions, Saraswati Thakur returned the second drug parcel on 14.09.2022. He also admitted to being in contact with Saraswati Thakur through WhatsApp. He stated that when the parcel did not reach its intended location, he assumed that the parcel had been caught by the police and directed the co-accused to delete her chats with him and throw her mobile phone and SIM card. He further stated that on 29.09.2022, when he saw an NCB officer with Saraswati Thakur near his house, he re-formatted his mobile phones and threw the SIM cards. He informed that his original name is



Syleester Chinedu Nnaka, and the passport and visa recovered from his house was fake. He further disclosed that the recovered contraband was given to him by one Chijoke, whose phone number he deleted. The petitioner also admitted to transferring Rs. 1,300/- to co-accused as fare to come to Delhi for receiving the contraband.

- H. On the basis of the aforesaid disclosure and recovery, the petitioner was arrested on 29.09.2022.
- I. During investigation, it was found that the petitioner was residing in India on a fake passport and visa. This fact was corroborated by a report dated 10.10.2022 issued by the Central Foreigners Bureau [“CFB”], which stated that there was no record of the petitioner’s entry into the country, and that the visa, in fact, was issued in the name of another person, as well as another report dated 25.11.2022 by the Under Secretary, Central and West Africa Division, which stated that the passport was fake, and the passport number, in fact, belonged to another person.
- J. One Umakant Thakur, who is the husband of Saraswati Thakur, joined investigation on 09.12.2022 and provided his statement under Section 67 of the NDPS Act. He stated that his wife told him that an amount of Rs. 1,300/- was transferred by a Nigerian friend into his account for a fare to come to Delhi. He stated that his wife has no bank account, and he had no knowledge about the drugs recovered from the parcel.
- K. During further investigation, some documents were found in the name of Sylesster Chinedu Nnaka. According to the report dated



30.12.2022, by CFB, it was stated that one passport was linked to the said name, and only an entry of arrival has been traced on the said passport. Further, CDR analysis of the phone number recovered from the petitioner, showed the location as Kutub Vihar, New Delhi.

L. The charges against the petitioner have already been framed, and the matter is pending at the stage of Prosecution Evidence.

4. The Nominal Roll reflects that, as of 05.05.2026, the petitioner had been in judicial custody for a period of 3 years, 3 months, and 7 days. He has thus now been in custody for a period of approximately 3 years and 8 months.

5. The petitioner had earlier filed a bail application before the Special Court, which was dismissed *vide* order dated 02.04.2026. The Special Court rejected the bail application applying the rigours of Section 37 of the NDPS Act, and considering the role attributed to the petitioner, as well as the material collected during investigation.

II. SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

6. Mr. Faisal, in support of the application, submitted that the entire case against the petitioner rests solely on the disclosure statement of co-accused Saraswati Thakur. He submitted that such a disclosure statement is inadmissible in evidence in view of the judgment of the Supreme Court in *Tofan Singh v. State of T.N*¹. He further submitted that no recovery of contraband was effected from the petitioner. He also submitted that, even according to the prosecution, the seized parcel had been booked by co-

¹ (2021) 4 SCC 1.



accused Saraswati Thakur. He argued that no material has been placed on record to establish any connection between the petitioner and the said parcel. Lastly, Mr. Faisal submitted that the petitioner has remained in custody for approximately 3 years and 8 months, while the trial is likely to take considerable time to conclude, particularly as only 2 out of the 16 prosecution witnesses have been examined thus far.

7. Mr. Khatri, on the other hand, opposed the application. He submitted that the recovery involved a commercial quantity of contraband and, therefore, the rigours of Section 37 of the NDPS Act are attracted. According to the prosecution case, the contraband had been supplied to co-accused Saraswati Thakur by the petitioner, and the seized parcel was booked by her at the petitioner's instance. Mr. Khatri relied upon a UPI transaction of Rs. 1,300/- allegedly made by the petitioner to the husband of co-accused Saraswati Thakur, contending that the same corroborates her statement that the amount was paid towards her travel expenses for visiting Kutub Vihar, Delhi, to collect the parcel. He submitted that recoveries from the petitioner comprised of two weighing machines, the parcel booking receipt, five mobile phones, a passport, and other documents. According to Mr. Khatri, the recovery of the parcel booking receipt pertaining to the seized parcel itself establishes the petitioner's involvement in the offence. He further submitted that the CDR analysis of the petitioner's mobile phone reflected his location at Kutub Vihar, which further lends corroboration to the statement of co-accused Saraswati Thakur. It was also contended that analysis of the petitioner's mobile phone revealed photographs of other contraband substances and currency. Lastly, Mr. Khatri relied upon Section 54 of the NDPS Act to



contend that the statutory presumption operates against the petitioner in light of the recovery of incriminating articles.

III. ANALYSIS

8. At the outset, it may be noted that the present case concerns the alleged recovery of a commercial quantity of contraband, being over 50 grams of Methamphetamine. The rigours of Section 37 of the NDPS Act are, therefore, attracted. It is, however, also well settled that the restrictions contained in Section 37 cannot be applied in a manner that defeats the constitutional guarantee under Article 21 of the Constitution. In a series of decisions, including *Mohd. Muslim v. State (NCT of Delhi)*², *Dheeraj Kumar Shukla v. State of Uttar Pradesh*³, and *Rabi Prakash v. State of Odisha*⁴, the Supreme Court has emphasised that prolonged incarceration at the pre-trial stage, even in cases under special statutes containing stringent bail conditions, would be violative of the right to life and liberty guaranteed under Article 21 of the Constitution. Such a consideration has been applied not just to citizens of India, but also to foreign nationals⁵. In *Mohd. Muslim*, the Supreme Court also clarified that the satisfaction contemplated under Section 37 is only *prima facie* in nature, and that the Court is not required, at the stage of bail, to arrive at a finding of the likelihood of guilt of the accused beyond reasonable doubt. More recently, in *State of Punjab v. Sukhwinder Singh @ Gora*⁶, the Supreme Court reiterated that the considerations relevant to Section 37

² (2023) 18 SCC 166 [hereinafter, "*Mohd. Muslim*"].

³ 2023 SCC OnLine SC 918, paragraph 3.

⁴ 2023 SCC OnLine SC 1109, paragraph 4.

⁵ *Beneth Chukwuddi v. State of NCT of Delhi*, BAIL APPLN. 4295/2024, decided on 17.03.2025; *Sunday Okeke Ugwuoke v. State of NCT of Delhi*, BAIL APPLN. 1939/2025, decided on 02.12.2025.

⁶ SLP (Crl.) No. 5020/2026, decided on 24.04.2026.



are required to be assessed holistically, while ensuring that the constitutional protection under Article 21 is not rendered illusory.

9. Applying the aforesaid principles to the facts of the present case, the petitioner has been in custody for approximately 3 years and 8 months. Although prosecution evidence has commenced, only 2 out of 16 witnesses have yet been examined, which makes the completion of proceedings within a short time frame unlikely.

10. As regards the merits of the case, the CDR analysis showing the petitioner's location at Kutub Vihar, Delhi does not, *prima facie*, appear to be incriminating, particularly when Kutub Vihar is stated to be the petitioner's place of residence. Further, the alleged photographs of other contraband substances and currency recovered from the petitioner's mobile phone, which are not directly connected with the present case, do not carry substantial relevance at the stage of consideration of bail.

11. The alleged financial linkage sought to be established between the petitioner and co-accused Saraswati Thakur through a UPI transaction of Rs. 1,300/-, the recovery of the parcel booking receipt, as well as the evidentiary value of the alleged recoveries and the applicability of the statutory presumption under the NDPS Act, are all matters which would require appreciation during trial and cannot, at this stage, be treated as determinative for denial of bail.

12. Taking all these factors into account, most significantly the long period of pre-trial incarceration already undergone, I am of the view that it is not appropriate to deprive the petitioner of his liberty any further during the pendency of trial.

13. The prosecution has placed some material on record with regard to



the petitioner's immigration and visa status. As far as these issues are concerned, no specific arguments were advanced by Mr. Khatri, in the context of the subject FIR. However, it bears emphasis that the subject FIR deals only with offences under the NDPS Act, and the present adjudication does not intend to prejudice any other action that may be taken against the petitioner, in accordance with law.

IV. CONCLUSION

14. For the aforesaid reasons, it is directed that the applicant be released on bail in connection with NCB Case No. VIII/67/DZU/2022, under Sections 21/29 of the NDPS Act, lodged at Narcotics Control Bureau, Delhi Zonal Unit, subject to furnishing a bail bond in the sum of Rs. 50,000/-, with one surety of the like amount, to the satisfaction of the concerned Special Court/Duty Magistrate, and further subject to the following conditions:

- a. The petitioner shall appear before the Special Court on each and every date of hearing.
- b. If the petitioner has a passport, he shall surrender the same to the concerned Special Court, and shall not leave the country without the prior permission of the concerned Special Court.
- c. The petitioner shall ordinarily reside at the address as per prison records, and shall not change the address without informing the concerned Investigating Officer ["IO"]/Station House Officer ["SHO"].
- d. The petitioner shall furnish his mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall



not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.

- e. The petitioner shall not, directly or indirectly, contact, nor visit, nor offer any inducement, threat, or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case.
 - f. The petitioner shall not, directly or indirectly, tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
 - g. The petitioner shall not commit any offence during the pendency of the proceedings.
 - h. In terms of the judgment of the Supreme Court in *Frank Vitus v. Narcotics Control Bureau and Ors*⁷, 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 in order to enable them to take appropriate steps under the Foreigners Act, 1946, the Registration of Foreigners Rules, 1992, and Foreigners Order, 1948, in accordance with law.
13. The application stands disposed of in the above terms.
14. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall

⁷ (2025) 3 SCC 1.



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they prejudice the rights and contentions of the parties at any stage of the proceedings.

15. A copy of this judgment be sent to the concerned Jail Superintendent for information and necessary compliance.

MAY 30, 2026
'B'/AD/

PRATEEK JALAN, J