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

\# **CNR No. DLHC010272792026**

\+ BAIL APPLN. 2415/2026

SIBIRINAN SORO .....Petitioner

Through: Mr. Aniruddha Singh Rajavat and Mr. Maneesh Bhardwaj, Advocates.

versus

NCB .....Respondent

Through: Mr. Arun Khatri, Ms. Shelly Dixit and Mr. Pranavjeet Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 19.11.2026

1. The Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in Crime No. VIII/16/DZU/2020, registered by the Narcotics Control Bureau ["NCB"] for offences under Sections 8, 21, 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ["NDPS Act"]. He was arrested on 18th February, 2020, and has been in custody for approximately six years and nine months.

2. The prosecution alleges that co-accused Albertina Samuel Miambo was intercepted at IGI Airport on 17th February, 2020, with 3.920 kg of heroin. On the information obtained, NCB officers went to Pari Chowk, Greater Noida, where the Applicant arrived in a vehicle to receive her. He allegedly opened premises No. B-106, Omicron-1A, Greater Noida, with a

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key in his possession, from where about 4.9 kg of heroin was recovered from a trolley bag.

3. The Applicant relies on his prolonged incarceration and the slow progress of the trial, contending that only three of the 21 cited prosecution witnesses have been examined. He also questions the sampling procedure, relies on the bail granted to Albertina on 21st March, 2024, and submits that he has no previous convictions or other pending cases. The NCB opposes the application on the basis of the commercial quantity, the bar under Section 37 of the NDPS Act, the recovery from premises accessible to him, and serious objections regarding his identity, nationality and travel documents, as set out in its additional report dated 19th November, 2026.

4. The Special Judge granted bail to the Applicant on 25th September, 2024, principally on account of non-compliance with Section 52A of the NDPS Act. The bail was subsequently cancelled on 22nd May, 2025, on an application moved by the NCB, in view of discrepancies concerning the Applicant's identity and passport. His subsequent bail application was dismissed on 16th September, 2025. In its status report, the NCB alleges that the Applicant suppressed the earlier cancellation of bail. However, this objection is not borne out by the record, as the Applicant has expressly disclosed the cancellation in paragraph 5 of the present application and annexed the relevant order.

5. The Applicant initially represented himself as Sibirinan Soro, an Ivorian national holding passport No. 18AV25828, under which an arrival in India was recorded on 10th August, 2019. The Embassy of Côte d'Ivoire has informed the Ministry of External Affairs that he is not an Ivorian national and is fraudulently using an Ivorian passport. He later produced passport No.

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A13190114 in the name of Ifeanyi Oscar Stephen Ikewelu, with a different date of birth, claiming dual citizenship. However, the FRRO found no corresponding arrival record under the Nigerian identity. The Nigerian High Commission, when approached for verification, sought production of the physical passport but did not confirm its authenticity. Thus, the Applicant's identity and nationality remain unverified. These discrepancies call for a satisfactory explanation, and the NCB's apprehension of abscondence must receive due weight.

6. The Applicant's true identity, nationality and the genuineness of the passports cannot be adjudicated in these proceedings; they are for the competent authorities, including the foreign missions, through the Ministry of External Affairs. This Court records no finding on them. The question is whether continued incarceration is justified and whether adequate safeguards can secure the Applicant's presence at trial.

7. The Applicant's alleged conscious possession of the contraband and involvement in the trafficking operation are matters to be determined at trial. Statements under Section 67 of the NDPS Act are not confessional evidence in view of ***Tofan Singh v. State of Tamil Nadu***,[1] though the prosecution also relies on the circumstances of the interception and recovery. As to non-compliance of Section 52A, in light of ***Narcotics Control Bureau v. Kashif***,[2] the consequence would depend on the nature of the irregularity and the evidence at trial.

8. The substantial consideration is the length of custody. The nominal roll dated 21st July, 2026, records six years and five months of incarceration as

[1] (2021) 4 SCC 1.
[2] 2024 INSC 1045.

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of 20th July, 2026; it is now about six years and nine months. Only three or four of the 21 cited witnesses are stated to have been examined, and the NCB's status report gives no updated figure. Nothing indicates that the trial will conclude soon. The offence carries a minimum sentence of ten years, of which the Applicant has already undergone more than two-thirds without a finding of guilt.

9. In ***Supreme Court Legal Aid Committee v. Union of India***,[3] the Supreme Court expressed concern over prolonged incarceration resulting from delays in trial, particularly in view of the stringent restrictions on bail under the NDPS Act. The Court directed the release, subject to safeguards, of NDPS undertrials facing a minimum sentence of ten years who had undergone five years of custody. The concern over prolonged incarceration and delay in trial was also addressed in ***Union of India v. K.A. Najeeb***,[4] and ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***.[5] This Court is conscious of ***State of Punjab v. Sukhwinder Singh @ Gora***,[6] which reiterates the mandatory nature of Section 37 and cautions against mechanical reliance on prolonged custody. At the same time, ***Sri Sujit Das & Ors. v. Union of India***,[7] without overruling it, reaffirmed the primacy of Article 21 and the need for judicial scrutiny of prolonged detention. The question of bail must therefore be examined in light of the statutory requirements and the constitutional rights of the accused, having regard to the circumstances of the case.

10. As already noted above, the Applicant has been in custody for nearly

[3] (1994) 6 SCC 731.
[4] (2021) 3 SCC 713.
[5] (2023) 18 SCC 166
[6] 2026 INSC 411.

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seven years with no reliable indication of early completion of the trial. The gravity of the allegations and Section 37 remain relevant, but cannot justify detention of indefinite duration. His continued incarceration is, in the circumstances, no longer justified pending trial.

11. At the same time, the concerns surrounding the Applicant's identity cannot be overlooked and must be addressed through appropriate safeguards, as prescribed in ***Union of India v. Chidiebere Kingsley Nawchara & Ors***.[8] For the purposes of release, the Applicant's identity can be verified from the custody records, photographs and particulars available with the prison authorities and the investigating agency, without determining his nationality or the authenticity of either passport. His release cannot be made contingent upon diplomatic correspondence that remains pending for reasons beyond his control. The nominal roll reflects no previous conviction or other pending case. Although his overall jail conduct is recorded as unsatisfactory on account of two punishments in August 2022, his conduct during the preceding year was satisfactory. There is also no record of abscondence.

12. In view of the above, the Applicant is directed to be released on regular bail upon furnishing a personal bond of INR 50,000/- with two sureties of the like amount each, to the satisfaction of the concerned Special Judge, subject to the following conditions:

i. The Special Judge shall verify the identity of the person to be released from the custody records, photographs and other particulars, in coordination with the Jail Superintendent and the investigating officer. Both names used

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[7] 2026 INSC 1195.
[8] 2026 INSC 870.

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by the Applicant shall be recorded, without treating either name or nationality as established.

ii. The sureties shall be furnished in accordance with *Chidiebere Kingsley Nawchara*. Their identity, address and financial capacity shall be verified within three days, with reports placed before the Special Judge before release, and a *lien* or charge equal to each bond shall be created over the security furnished. If, despite sufficient efforts, two sureties cannot be arranged, the Special Judge may relax this requirement by a reasoned order.

iii. The Applicant shall furnish his proposed residential address and contact particulars in India, which the NCB, with the jurisdictional police, shall physically verify within three days and before release.

iv. All passports and travel documents in the Applicant's possession shall be deposited with the Special Judge before release. For any document already in the custody of a court or authority, the investigating officer shall place its particulars and status before the Special Judge and ensure its secure custody. The Applicant shall not seek its return or apply for any fresh passport or travel document without the Special Judge's permission.

v. The Applicant shall not leave India, leave Delhi-NCR or change his verified residence without the Special Judge's prior permission.

vi. The Applicant shall register with the FRRO within one week of release and furnish proof to the Special Judge and the NCB. The FRRO shall record the available identifying particulars, including the alternative identity. Registration shall not amount to recognition of citizenship or regularisation of immigration status.

vii. Within one week of release, the Applicant shall file an affidavit before the Special Judge disclosing his source of income and funds in India and the

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particulars of all bank accounts, if any.

viii. The Applicant shall furnish an active Indian mobile number to the Special Judge and the investigating officer, keep it operational, and report any change. He shall mark his attendance before the NCB once every week at a time fixed by the investigating officer, subject to modification by the Special Judge.

ix. The Applicant shall appear before the Trial Court on every date unless exempted, shall not contact or influence prosecution witnesses, tamper with evidence or engage in any unlawful activity.

x. The Applicant shall cooperate with the competent authorities in verifying his identity, nationality and travel documents.

13. The NCB shall, in coordination with the Ministry of External Affairs, pursue verification of the Nigerian passport and the claim that both identities relate to the Applicant, including through the Nigerian High Commission, and shall place the communication from the Embassy of Côte d'Ivoire before the concerned immigration authorities. A report of the steps taken and responses received shall be filed before the Special Judge within eight weeks. Further action on the outcome remains open to the competent authorities in accordance with law.

14. The grant of bail does not determine or recognise the Applicant's nationality, citizenship, immigration status or the genuineness of any travel document, nor does it prevent action against any suspected use of false documents. The pendency of verification by a foreign mission shall not, by itself, prevent implementation of this order once the conditions for release are fulfilled.

15. The Special Judge shall ensure compliance with the safeguards in

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Chidiebere Kingsley Nawchara and the above conditions. The NCB is at liberty to seek cancellation of bail for breach of any condition, misuse of liberty or emergence of material circumstances.

16. Nothing stated in this order shall be construed as an expression of opinion on the merits of the case, which shall be decided by the Trial Court independently, uninfluenced by any observations made herein.

17. The application stands disposed of in the above terms.

SANJEEV NARULA, J

NOVEMBER 19, 2026/*hc*

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