

2026:DHC:5897

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

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Date of Decision: 24.07.2026

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BAIL APPLN. 1910/2026

IKECHUKWU CHIDEIBERE CHILE

.....Petitioner

Through: Mr. Javed Khan and Mr. Saud,
Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with IO/SI Rohit.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 226/2024 of PS Crime Branch for offence under Section 22/25/29 of NDPS Act.
2. Status report has not been filed despite directions. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Rohit.
3. Broadly speaking, prosecution case is as follows. On 13.11.2024, on

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the basis of a secret information, a raiding party was constituted by the local police and in the raid, co-accused Santan Goswami was apprehended and found to be in possession of 33 grams MDMA. On the basis of disclosure statement of Santan, the present accused/applicant was apprehended and was found to be in possession of 47 grams Methamphetamine. Apart from that, from premises of the accused/applicant, a diary was seized which mentioned list of delivery slip tracking numbers. With the help of those tracking numbers, the IO reached the Foreign Post Office, from where a parcel containing 6790 tablets of MDMA was seized. According to prosecution, the present accused/applicant was consignee of the said parcel containing 6790 tablets of MDMA.

4. Learned counsel for accused/applicant contends that quantity of the Methamphetamine allegedly recovered from the accused/applicant is not a commercial quantity and so far as MDMA tablets are concerned, the same have no connection with the accused/applicant. It is submitted by learned counsel that in the alleged disclosure statement, Santan told the IO that residence of the accused/applicant as in Mahipalpur, but admittedly from Mahipalpur nothing was recovered and it is only from the premises in Chhattarpur that the alleged recovery of MDMA took place. It is submitted by learned counsel that the accused/applicant has no connection with the Chhattarpur premises.

5. Learned APP assisted by IO submits that during investigation, the

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landlord of the Chhattarpur premises from where MDMA was recovered gave his statement to the IO that he had inducted the present accused/applicant as tenant. Further, it is submitted that the delivery slips of the consignment mentioned name and address of some fictitious person, though not the present accused/applicant, but since numbers of those delivery slips were mentioned in a diary recovered from the Chhattarpur premises, the accused/applicant is connected with the recovered MDMA tablets. Learned APP submits that bar of Section 37 NDPS Act kicks in, so the accused/applicant cannot be granted bail. It is also submitted that Visa of the accused/applicant who is a Nigerian citizen has already expired.

6. Of course, where a person is found in possession of commercial quantity of contraband, the bail can be granted only if twin conditions as stipulated in Section 37 NDPS Act are satisfied. But in a case, where *prima facie* there is doubt about reliability of the case set up by the investigator, the rigours of Section 37 NDPS Act should not kick in.

7. I examined the copy of the investigation file, shown by IO.

8. As mentioned above, the quantity of Methamphetamine is admittedly not commercial quantity. The commercial quantity is of MDMA tablets. Those tablets were recovered not from the physical possession of the accused/applicant, but from a parcel lying in the Foreign Post Office in Kotla. The connection between the accused/applicant and the said parcel is

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on the basis of not the delivery slips (*which mentioned fictitious name and address as per IO*) but from a diary which mentioned those delivery slip numbers. A copy of the relevant page of that diary shown to me by the IO fails to inspire confidence. The said page simply bears four handwritten numbers and nothing else. Even the said diary was not recovered from physical possession of the accused/applicant. The diary was recovered from Chhattarpur premises in which the accused/applicant is stated to be a tenant as per statement made by the landlord of those premises to the IO. On this aspect also, it would be necessary to note that the landlord in his statement, handed over a copy of the lease deed to the IO. But that lease deed shown to me bears no signature. That lease deed, according to learned counsel for accused/applicant is a fabricated document prepared at a subsequent stage.

9. From the aforesaid, I find the version of IO as regards the alleged recovery completely doubtful, though on these aspects, trial court shall take independent view on the basis of evidence adduced during trial. But for limited purpose of examining the issue of liberty of the accused/applicant, suffice it to record that in the present application, the rigours of Section 37 NDPS Act shall not operate.

10. In view of above discussion, the bail application is allowed and the accused/applicant is directed to be immediately released on bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned trial court.

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11. Since Visa of the accused/applicant has expired, it is directed that after acceptance of the bail bonds by the trial court, the concerned Jail Superintendent shall hand over custody of the accused/applicant to FRRO only.

12. Copy of this order be sent to the concerned Jail Superintendent for being intimated to the accused/applicant.

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**GIRISH KATHPALIA
(JUDGE)**

JULY 24, 2026/ry

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