



2026:DHC:2722



\$~77

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

% *Date of Decision: 01.04.2026*

+ **BAIL APPLN. 4445/2025 & CRL.M.(BAIL) 2315/2025**

DESALEGN ATNAFU ABEBE .....Petitioner

Through: Ms. Arshiya Ghose, Advocate.

versus

NARCOTICS CONTROL BUREAU .....Respondent

Through: Mr. Arun Khatri, SSC with Ms.  
Shelly Dixit, Advocate.

**CORAM: JUSTICE GIRISH KATHPALIA**

**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case Crime No. VIII/74/DZU/2022 of Police Station NCB DZU, RK Puram for offence under Section 8/21/23/29 NDPS Act.

1.1 This bail application came up for the first hearing on 20.11.2025 before the predecessor bench and thereafter continued getting adjourned before different benches. Along with 179 such old pending bail applications, this application also was transferred to this bench.

1.2 Today is the first hearing before me.



2026:DHC:2722



2. I have heard learned counsel for accused/applicant as well as learned prosecutor on behalf of NCB. Learned counsel for accused/applicant claims parity on the ground that co-accused Yesak Angsom was granted bail in similar circumstances in Bail Application No. 1100/2025, decided by this court on 28.07.2025. Learned counsel for NCB submits that the present case stands on different footing, so parity is not applicable here.

3. Broadly speaking, the case set up by prosecution is that they seized 4.98 kg cocaine from co-accused Dipali during a raid in Tilak Nagar, New Delhi and in her confessional statement, Dipali stated having received the contraband from one Dawit and one Desalegn (*the present accused/applicant*) at hotel Apex Regency, Mumbai on instructions of her husband Peter. On being summoned, Dawit and the accused/applicant disclosed before NCB that they were sent to India from Ethiopia by one Aklilu, who had provided them trolley bags containing cocaine. The accused/applicant allegedly disclosed that the co-accused Yesak, also staying in hotel Apex Regency had come to India on 13.10.2022 and one Ethiopian national lady was expected to come to India on 14.10.2022 from Ethiopia in the same hotel and that they were involved in drug trafficking. On the basis of the said information, NCB carried out a search at hotel Apex Regency on 14.10.2022 during which the co-accused Yesak disclosed that one Ethiopian lady named Kelemuwa was staying in hotel Sukoon and was carrying contraband. On the basis of raid carried out in hotel Sukoon, 2.055kg cocaine was recovered from trolley bag of Kelemuwa.



2026:DHC:2722



4. As mentioned above, co-accused Yesak was granted bail vide order dated 28.07.2025, copy whereof is Annexure P-9 to the present bail application. That order was passed after examination of the CCTV footage of the hotel corridor, played in court.

5. Learned counsel for NCB submits that the difference in the present case is that the alleged drug money USD 3500 was recovered from the present accused/applicant and there are WhatsApp chats between the present accused/applicant and Aklilu. No other difference has been pointed out.

6. In the case of the co-accused Yesak also, money was recovered from the said accused, though the amount was lesser. So far as WhatsApp chats are concerned, no explicitly incriminating WhatsApp chat has been shown to this court.

7. In other words, apart from disclosure statement, there is no other evidence against the present accused/applicant.

8. It is informed by both sides that visa of the accused/applicant has already expired.

9. Under these circumstances, the application is allowed and the accused/applicant is directed to be 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 Trial Court. It is specifically directed that



2026:DHC:2722



upon acceptance of bail bond, custody of the accused/applicant shall be handed over by the concerned Jail Superintendent to the FRRO. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant. Pending application also stands disposed of.

10. It is made clear that nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

**GIRISH KATHPALIA  
(JUDGE)**

**APRIL 1, 2026/dr**