



2026:DHC:2783



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

% *Date of Decision: 02.04.2026*

+ **BAIL APPLN. 1289/2026 & CRL.M.A. 10105/2026**

CHIBUZOR

.....Petitioner

Through: Mr. Shyam Sunder Aggarwal,
Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Chandra Shekhar.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 578/2022 of Police Station Vikaspuri for offence under Section 21 NDPS Act & Section 14 Foreigners Act.
2. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Chandra Shekhar.
3. Broadly speaking, according to prosecution case, on the basis of secret information, a trap was laid by police and the accused/applicant was apprehended and after completion of procedural formalities, from bag



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carried by the accused/applicant, 502 grams heroin was recovered.

4. Learned counsel for accused/applicant submits that grounds of arrest were not verbally explained to the accused/applicant. It is also contended that testimony of witnesses examined during trial reflect a number of contradictions, which show that the prosecution case is not truthful. It is also contended that the chain of custody of the contraband is doubtful. Learned counsel for accused/applicant also contends that the Head Constable, who received the secret information as per FIR, was not competent to conduct the raid, therefore, the accused/applicant deserves to be released on bail.

5. Learned APP strongly opposes the bail application on the ground that the quantity of heroin recovered from the accused/applicant was much more than even double the commercial quantity, consequently, the twin conditions of Section 37 NDPS Act come into play.

6. It is trite that at the stage of bail, the court cannot minutely examine the evidence on record. It is only broad contours of the evidence that have to be kept in mind. The FIR clearly shows that the Head Constable, after receiving the secret information, produced the informer before the Sub Inspector, who satisfied himself after speaking with the secret informer and then shared the information with the concerned ACP. It is the concerned ACP, who authorized the raid.

7. None of the arguments advanced on behalf of the accused/applicant



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would satisfy the twin conditions stipulated under Section 37 of the NDPS Act. There has to be an argument and material before the bail court, which can satisfy the court that there are reasonable grounds for believing that the accused is not guilty of the offence charged and that he is not likely to commit any offence while on bail.

8. In my considered opinion, the case set up by the accused/applicant in the present case fails at the anvil of twin conditions laid down under Section 37 NDPS Act, therefore, the bail application is dismissed. Accompanying application stands disposed of.

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

**GIRISH KATHPALIA
(JUDGE)**

APRIL 2, 2026/ry