



2026:DHC:5460



\$~2

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

%

Date of Decision: 08.07.2026

+ **BAIL APPLN. 1637/2026**

DAWIT HAYELOM BERHE

.....Petitioner

Through: Mr. S. K. Singh and Mr. Archit
Kaushik, Advocates.

versus

NARCOTICS CONTROL BUREU

.....Respondent

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

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

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

2. I have heard learned counsel for accused/applicant and learned Senior Standing Counsel for respondent/NCB.

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



2026:DHC:5460



Delhi and in her confessional statement, Dipali stated having received the contraband from one Dawit (*the present accused/applicant*) and one Desalegn at hotel Apex Regency, Mumbai on instructions of her husband Peter. On being summoned, Desalgen 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.

4. Learned counsel for accused/applicant contends that apart from the alleged disclosure statement and the alleged recovery of USD 3,500/- from the accused/applicant, there is no other evidence to justify his further detention in custody. It is also submitted by learned counsel for accused/applicant that two of the co-accused with similar role alleged against them have already been released on bail, so the present accused/applicant also deserves the same relief on parity.



2026:DHC:5460



5. Learned Senior Standing Counsel in all fairness does not deny that the two accused persons with role similar to the accused/applicant have already been granted bail. But at the same time, learned Senior Standing Counsel submits that granting bail in such cases would hamper further efforts of the respondent/NCB to curb the drug menace in the country.

6. The fact remains that presently there is no legally admissible evidence against the accused/applicant and two of the co-accused with similar role have already been granted bail.

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

8. Under these circumstances, the application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing 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 since visa of the accused/applicant stands expired, upon acceptance of bail bond, custody of the accused/applicant shall be handed over by the concerned Jail Superintendent to FRRO.

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



2026:DHC:5460



10. Nothing observed in this order shall be read to the prejudice of either side.

**GIRISH KATHPALIA
(JUDGE)**

JULY 08, 2026/dr