



2025:DHC:4053



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

% *Date of Decision: 20.05.2025*

+ **BAIL APPLN. 1950/2025 & CRL.M.A. 15740/2025**

PASCHAL OBINNA NWAGBAOSO

.....Petitioner

Through: Mr. Deepanshu Goswami, Advocate.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Arun Khatri, SSC with Ms. Tracy Sebastian, Advocate.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks bail in case registered by Narcotics Control Bureau for offence under Section 8C/20(b)/21(b)/22(c)/23/25 & 29 NDPS Act. Broadly speaking, the allegation is that 60 gram cocaine (intermediate quantity) and 55 grams methamphetamine (commercial quantity) were recovered from the accused/applicant.

2. Learned counsel for accused/applicant argues that this is a fit case to release the accused/applicant on bail as he is in jail since 08.12.2021 and trial is proceeding at a slow pace. It is also argued that co-accused Aslam



has been granted bail, so on parity, the accused/applicant also deserves the same relief. Learned counsel for accused/applicant argues that the entire exercise carried out by the raiding team was not in accordance with law as the provisions under Section 50 & 52 of the NDPS Act were not adhered to. Learned counsel for accused/applicant also argues that the alleged recovery was not from person of the accused/applicant but from his residence where he was taken after being apprehended on the road.

3. As regards Aslam, admittedly nothing incriminating was recovered from his possession or at his instance. In contrast, as mentioned above there is recovery of intermediate quantity of cocaine and commercial quantity of methamphetamine at the instance of the accused/applicant from his residence. Therefore, the doctrine of parity would not come into play.

4. As regards the alleged failure to adhere to Section 50 & 52 of the NDPS Act, the same can be examined only at the appropriate stage of the trial and not at this stage, where the rigors of Section 37 of the Act would hold the field.

5. So far as the period of incarceration is concerned, the admitted position is that as on date, seven prosecution witnesses have already been examined and it is nobody's case that any of those witnesses has turned hostile to prosecution.

6. Considering the above circumstances, I do not find it a fit case to



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grant bail to the accused/applicant. The application is dismissed.

**GIRISH KATHPALIA
(JUDGE)**

MAY 20, 2025/DR