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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 28.07.2025

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BAIL APPLN. 1100/2025, CRL.M.(BAIL) 583/2025 & CRL.M.A. 8322/2025**YESAK ANG SOM GEBRREEGIZAGABER**Petitioner

Through: Ms. Arshiya Ghose, Advocate

versus

NARCOTICS CONTROL BUREAURespondentThrough: Mr. Arun Khatri, Standing Counsel
for NCB with Ms. Shelly Dixit,
Advocate**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (O R A L)**

1. The accused/applicant, suffering incarceration from 15.10.2022, seeks regular bail in case Crime No. VIII/74/DZU/2022 of PS NCB, DZU, RK Puram for offence under Section 8/21/23/29/34/54 NDPS Act.
2. The respondent, Narcotics Control Bureau (NCB), filed status report opposing the bail application.
3. I heard learned counsel for both sides.
4. Broadly speaking, the case set up by prosecution is that they seized 4.98 kg of cocaine from Dipali Odiwanor during a raid in Tilak Nagar, New Delhi and in her statement under Section 67 NDPS Act, she admitted having received the contraband from one Dawit Hayelom Berhe and one Desalegn Antafu Abebe at Hotel Apex Regency, Mumbai on instructions of her husband Peter Chukwuemeka Odiwanor. Pursuant to summons issued by NCB, the said Dawit Hayelom Berhe and Desalegn Antafu Abebe disclosed



to have been sent to India from Addis Ababa, Ethiopia by one Aklilu Abebe, who provided them with trolley bags containing cocaine. Further, the said Desalegn Antafu Abebe allegedly disclosed that the present accused/applicant, 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 Addis Ababa, Ethiopia in the same hotel and they also are 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 present accused/applicant allegedly disclosed that one Ethiopian lady Kelemuwa Demelash Belay was staying in Hotel Sukoon and was carrying contraband. Accordingly, a raid was carried out at Hotel Sukoon and 2.055 kg cocaine was allegedly recovered from trolley bag of Kelemuwa Demelash Belay. It is further alleged that from the present accused/applicant cash amount of USD 400 was recovered, which is drug money.

5. On behalf of accused/applicant, it is argued that there is no legally admissible evidence to connect him with the alleged offence. It is argued that the only material against the accused/applicant is recovery of USD 400 from him and the alleged disclosure statement of the co-accused.

6. On the other hand, learned prosecutor submitted that there is a CCTV footage of Hotel Sukoon which captured the accused/applicant accompanying Kelemuwa Demelash Belay and carrying the suitcase from which contraband was recovered.

7. The said CCTV footage was played in Court.



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8. The CCTV footage of Hotel Sukoon only depicts two apparently Ethiopian nationals walking across a corridor while pulling a trolley suitcase. Admittedly, there is no CCTV footage depicting opening of the said suitcase followed by the alleged recovery. The *panchnama* does not bear name of the present accused/applicant at the time of the alleged recovery. So, the only material against the accused/applicant is recovery of USD 400 from him.

9. Considering the overall circumstances, as mentioned above, I find no reason to further deprive the accused/applicant of his liberty.

10. 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 learned Trial Court and it is specifically directed that upon acceptance of the bail bonds, the custody of the accused/applicant shall be handed over by the concerned Jail Superintendent to the FRRO since his visa is stated to have already expired. Pending applications stand disposed of. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

JULY 28, 2025/as