

FIR No.RC-220-2023-E 0018  
PS CBI EO-II New Delhi  
State v. Manita Okafor @ Manita Prasad @ Sara

19.09.2025

Present: Sh Shekhar Gehlot, Ld. PP for CBI assisted by IO  
Insp. Harvinder Singh.  
Mr. Manish Yadav, Ld. Counsel for  
applicant/accused Manita Okafor.

1. This order of mine, shall dispose of the application for grant of regular bail to the applicant / accused Manita Okafor @ Manita Prasad @ Sara.

2. Arguments on the bail application heard and the application and IO report and the case file perused.

3. Keeping in view of the contention of the applicant / accused that the identity of the applicant / accused is not proved by the CBI because neither the name of the applicant / accused Manita is Jennifer nor Sara and therefore the applicant / accused may kindly be granted bail. Also, the another contention of the applicant / accused Manita are that there is no recovery of the contraband from the direct possession of the applicant / accused and there is violation of Section 42 of the NDPS Act as the place of arrest has only been mentioned as New Delhi in the arrest memo. Considering the another contention of the applicant / accused that the ground of arrest have not given in writing to the applicant / accused and therefore, the applicant / accused may kindly be granted bail in the present matter.

4. But, the abovesaid contention have been rightly rebutted by Ld. PP for CBI on the ground that on collection of the evidence and as per investigation, the applicant / accused has been arrested because there is not only the documentary evidence i.e., CDR details and the locations details of the mobile phone used by the applicant / accused

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for inquiring about the parcel containing contraband from the post office but there is also the ocular evidence of the public witnesses available and even the direct evidence available to prove the identity of the accused as Manita Okafor @ Sara. Ld. PP for the CBI contended that there is no dispute on the identity of the accused.

5. Further, Ld. PP for the CBI has also rightly rebutted the another contention of the applicant / accused and specified that there is no violation of Section 42 of NDPS Act because the perusal of arrest memo as well as personal search memo of the applicant / accused shows that the place of arrest of the applicant / accused has been mentioned as CBI, HQ, New Delhi and so this proves that there is no violation of Section 42 of NDPS Act.

6. Lastly, Ld. PP for CBI has also rightly rebutted the last contention of the applicant / accused that as the ground of arrest have not been given in writing to the applicant / accused so the applicant / accused is entitled to bail but Ld. PP for the CBI has contended that perusal of the arrest memo shows that the grounds of arrest have been explained in vernacular to the applicant / accused. Even, at the time of grant of police remand to the accused vide order dated 14.02.2024 Ld. Link Judge has also given in writing vide the said order dated 14.02.2024 the grounds of arrest of the applicant / accused. Ld. PP for CBI contended that in light of Judgment of Hon'ble Supreme Court of India in State of Karnataka Vs. Sri Darshan etc pronounced on 14.08.2025, 2025 liveLaw (SC) 801 where it has relied upon the Judgment of Vihaan Kumar Vs. State of Haryana, 2025 SCC online, SC456 wherein it has laid down that 'Article 22 (1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing'.

7. Ld. PP for the CBI has also strongly opposed the present bail application and relied upon the Judgment of Hon'ble Supreme Court of India in Narcotics Control Bureau Vs. Kashif pronounced on 20.12.2024, wherein it has been laid down that 'There has been consistent and persistent view of this Court that in the NDPS cases, where the offence is punishable with minimum sentence of ten years, the accused shall generally be not released on bail. Negation of bail is the rule and its grant is an exception'. It has also been laid down that 'The provisions of NDPS Act are required to be interpreted keeping in mind the scheme, object and purpose of the Act, as also the impact on the society as a whole. It has to be interpreted literally and not liberally, which may ultimately frustrate the object, purpose and Preamble of the Act. While considering the application for bail, the Court must bear in mind the provisions of Section 37 of the NDPS Act which are mandatory in nature. Recording of findings as mandated in Section 37 is sine qua non is known for granting bail to the accused involved in the offences under the NDPS Act'.

8. Keeping in view the aforesaid contentions of the CBI as well as in view of the fact that in the present case there is recovery of 887 grams of MDMA imported into India from Belgium and another recovery at the instance of applicant / accused i.e., 1538 grams of MDMA imported into India from Netherland and thus there is a recovery of commercial quantity of contraband and the present case is a case of circumstantial evidence. Also, the allegations against the applicant / accused are under Section 23(c) and 29 NDPS Act and there is a bar under Section 37 of the NDPS Act. Thus the allegations against the applicant / accused are grave and serious in nature.

9. The case is at the stage of prosecution evidence and all

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public witnesses are yet to be examined and there is every apprehension that the applicant / accused would influence / threaten the witnesses, if at liberty. So, I do not find any merit in the present application of the applicant/accused Manita Okafor. Hence, the present application of the applicant/accused Manita Okafor for grant of regular bail is hereby **dismissed**.

Application is disposed off accordingly.

This order of mine shall not effect the merits of the case.

Copy of the order be given dasti to Ld. Counsel for applicant / accused.

Copy of the order be sent to concerned Jail.

(Ekta Gauba Mann)  
Special Judge (NDPS-01)  
(Central) Tis Hazari Courts  
Delhi/19.09.2025