

**IA 7/2026 and IA 8/2026 SC 28/2025**

**State v. Faith Rachael**

**FIR No. 340/2024**

**U/s 20 NDPS Act**

**PS: Special Cell**

**05.06.2026**

Present: Sh. Rajesh Kumar, Ld. Substitute Addl. PP for the  
State.

Sh. Maneesh Bhardwaj, Ld. Counsel for  
applicant/accused Faith Rachael.

Vide my separate order of even date, the application moved on behalf of applicant Faith Rachael seeking modification of bail order dated 11.12.2025, as well as the application moved on behalf of the applicant seeking permission to file additional grounds in support of the said application.

Copy of this order be given dasti to the parties. Copy of this order be sent to the accused through the concerned Jail Superintendent.

**(Jitendra Pratap Singh)**  
**ASJ/Spl. Judge, NDPS/N Delhi**  
**05.06.2026/p**

**IN THE COURT OF JITENDRA PRATAP SINGH  
ADDL. SESSIONS JUDGE /SPECIAL JUDGE (NDPS),  
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,  
NEW DELHI**

**IA 7/2026 and IA 8/2026SC 28/2025**

**State v. Faith Rachael**

**FIR No. 340/2024**

**U/s 20 NDPS Act**

**PS: Special Cell**

**05.06.2026**

**ORDER**

1. By this order, I shall dispose of the application moved on behalf of accused/applicant Faith Rachael seeking modification of bail order dated 11.12.2025, as well as the application moved on behalf of the applicant seeking permission to file additional grounds in support of the said application.

2. It is further submitted that no similar application is either filed or is pending before this Court or before Hon'ble Supreme Court of India. During the course of arguments, the Ld. Counsel has submitted that no such application has also been filed before the Hon'ble High Court of Delhi.

3. It is submitted that the applicant/accused was granted bail by this Court vide order dated 11.12.2025. One of the conditions imposed in the said bail order was that the applicant shall be released subject to production of valid passport and visa. It was further directed that if the visa is expired, the same must be applied online from jail and necessary assistance shall be provided.

4. It is submitted on behalf of the applicant that she is having a valid passport and the same is already on the court record. It is further submitted that despite bail having been granted on 11.12.2025, the applicant continues to remain in judicial custody as she has not been able to comply with the condition relating to production of valid visa. It is submitted that the applicant shall apply for extension/renewal of her visa once she is released on bail and that she is ready to abide by all conditions imposed by this Court.

5. In the application seeking permission to file additional grounds, it is further stated that the applicant had earlier moved an application before the learned predecessor for necessary directions to the Jail Superintendent to produce her before FRRO and to assist her in renewal/extension of her visa. It is further

stated that vide order dated 18.12.2025, directions were issued to the Jail Superintendent to provide assistance to the applicant regarding renewal/extension of visa and also to provide assistance in respect of any requirement of email address, telephone/mobile number and OTP.

6. It is further stated in the additional grounds that the default in renewal of visa is not on the part of the applicant, as the concerned authority has to renew the visa after fulfilment of requirements such as residential address proof, mobile number and email ID. It is stated that as long as the applicant remains in custody, she is not in a position to furnish residential address, mobile number and email ID in the manner required for the said process. It is further submitted that the applicant is presumed innocent till proved guilty and bail conditions cannot be so onerous that they frustrate the bail order itself.

7. Learned counsel for the applicant has relied upon the judgment in *Stanley Azuka Ewuzie v. State (NCT of Delhi)*, Bail Application 4354/2024 dated 04.02.2025 to submit that in similar circumstances the condition relating to visa was waived/suspended. Reliance has also been placed on the principle that conditions imposed while granting bail must not be arbitrary,

fanciful or such as would defeat the grant of bail itself. Learned counsel has further submitted that the applicant cannot be kept in custody despite grant of bail merely because the visa process has not been completed while she is in jail.

8. Reply has been filed by the State/Special Cell opposing the application. It is submitted in the reply that on 13.08.2024, SI Bintu Sharma, acting on secret information, conducted a raid and apprehended the applicant Faith Rachael near Aam Aadmi Mohalla Clinic, Mehrauli-Gurgaon Road, Mehrauli, Delhi, with a black trolley bag, with the assistance of a lady constable. It is submitted that she was duly informed about the secret information, apprised of her legal rights and served with notice under Section 50 of the NDPS Act. It is further submitted that she declined to be searched before a Magistrate or Gazetted Officer and also refused the search of the police party and official vehicle.

9. It is further stated in the reply that nothing incriminating was recovered from her personal search. However, upon search of the trolley bag, three packets containing psychotropic substance were recovered, one packet labelled "Toffee de Leche" weighing 780 grams and two packets labelled "Happy Koi

Premium Fish Food” weighing 1518 grams and 1502 grams respectively. It is submitted that all the recovered substances tested positive for Mescaline using field testing kit, making total recovery of 3800 grams. It is further submitted that the packets were sealed and seized in accordance with law and deposited in the malkhana after compliance of Section 55 NDPS Act. It is also stated that the FSL Rohini result/opinion was received, wherein the samples were found to contain Cocaine.

10. It is further submitted by the State that bail was granted to the applicant vide order dated 11.12.2025 subject to twelve conditions. It is submitted that the applicant did not get her passport recovered during police custody remand and was residing in India without a valid visa. It is further submitted that she has no permanent residence in India and, in case the conditions imposed in the bail order are modified, there is a strong apprehension that she may abscond and evade the process of law. On these grounds, the application has been strongly opposed.

11. I have heard Ld. Counsel for the applicant as well as Ld. Addl. PP for the State and have perused the record carefully.

12. The application seeking permission to file additional grounds deserves to be allowed as the said application does not change the nature of the relief originally sought. It only places additional grounds in support of the pending application for modification of bail condition. Therefore, the application for taking additional grounds on record is allowed.

13. Coming now to the main application, it is not in dispute that the applicant was granted bail vide order dated 11.12.2025. The present application is not for grant of bail on merits. The limited question before this Court is whether the condition requiring production of valid visa before release should be modified, waived or kept in abeyance for a limited period.

14. The allegations against the applicant are serious. The reply of the State records recovery of contraband from a trolley bag allegedly carried by the applicant and also records that the FSL result/opinion found the samples to contain Cocaine. The Court is also conscious of the objection that the applicant is a foreign national, allegedly without valid visa, and has no permanent residence in India. These circumstances do require the Court to remain cautious while considering any modification in bail conditions.

15. At the same time, it is equally important to note that bail has already been granted to the applicant by a judicial order dated 11.12.2025. The present Court is not sitting in appeal over the said bail order. The object of the present exercise is only to examine whether a particular condition, namely production of valid visa before release, is operating in such a manner as to render the bail order ineffective.

16. The object of bail conditions is to secure the presence of the accused during trial, to ensure that the accused does not tamper with evidence, does not influence witnesses, does not commit any offence and does not flee from justice. Conditions imposed while granting bail must have a rational nexus with these purposes. They cannot be such that, in their practical operation, they completely defeat the benefit of bail already granted.

17. The applicant has stated that her passport is valid and is on the trial court record. The State has, however, stated that the applicant did not get her passport recovered during police custody remand and was residing in India without valid visa. Be that as it may, the difficulty pleaded by the applicant in the present application is with respect to renewal/extension of visa

and the practical difficulty in completing the online FRRO/visa process while she remains in custody. It has also been stated that the learned predecessor Court had already directed the Jail Superintendent to provide assistance regarding renewal/extension of visa, including assistance relating to email address, mobile number and OTP.

18. The Court cannot ignore that online visa/FRRO processes may require access to mobile number, OTP, email ID, residential address proof and other documents. If despite grant of bail the accused continues to remain in custody only because such procedural requirements cannot be completed from jail, the bail order may be rendered ineffective. The default in completing the visa process, at this stage, cannot be treated as solely attributable to the applicant, especially when she is in judicial custody.

19. It is a settled position of law that the bail conditions cannot be so onerous that they render the order incapable of execution. A condition which is impossible or impracticable for an accused to comply with cannot be permitted to defeat the order of bail. It has also been recognised that where compliance of a condition depends upon acts of external authorities, the Court may consider

modifying the condition and imposing alternative safeguards to secure the presence of the accused.

20. The Superior Courts have consistently adopted a calibrated approach in the case of foreign nationals who have been granted bail but continue to remain confined on account of visa-related complications. The requirement of lawful stay in India and the requirement of securing the presence of the accused during trial can be balanced by imposing suitable restrictions, including deposit of passport, furnishing of address, restriction on movement and regular reporting before the investigating agency.

21. In the considered opinion of this Court, the condition requiring production of valid visa before release should not be permanently waived. The concern of the prosecution that the applicant is a foreign national and may abscond cannot be ignored. However, insisting upon the said condition as an absolute pre-release condition, in the peculiar facts of the case, would continue to frustrate the bail order already granted in favour of the applicant. The appropriate course, therefore, is to keep the said condition in abeyance for a limited period and require the applicant to take immediate steps for

renewal/extension/regularisation of visa or permission to stay in India after her release, subject to strict safeguards.

22. Such an order would not amount to regularising or legalising the stay of the applicant in India. The question whether visa or any appropriate permission is to be granted to the applicant shall remain within the domain of FRRO/competent authority and shall be decided independently and in accordance with law.

23. Accordingly, the application for modification is partly allowed in the following terms:

(i) The condition contained in the bail order dated 11.12.2025 requiring production of valid visa before release of the applicant is kept in abeyance for a period of two months from the date of release of the applicant.

(ii) The said condition is not deleted permanently. The applicant shall be under an obligation to apply for renewal/extension/regularisation of visa or for appropriate permission to stay in India before FRRO/competent authority within seven days from the date of her release.

(iii) The applicant shall file proof of submission of such application before this Court and shall also supply a copy thereof to the IO within ten days from the date of her release.

(iv) The applicant shall appear before FRRO/competent authority as and when directed and shall comply with all requirements of the said authority.

(v) If the passport of the applicant is already deposited on the trial court record, it shall remain so deposited. If the passport is not deposited, the applicant shall deposit the same before her release. In case the applicant claims that the passport is not in her possession, she shall file an affidavit before this Court disclosing its present status and whereabouts.

(vi) The applicant shall not leave India without prior permission of this Court.

(vii) The applicant shall not leave NCT of Delhi without prior permission of this Court, except for the purpose of appearance before FRRO/Embassy/High Commission/competent authority, and in such event she shall give prior written intimation to the IO.

(viii) The applicant shall furnish her complete residential address in India, along with supporting proof, before her release and shall also file an affidavit in that regard before this Court.

(ix) The applicant shall not change her address without prior permission of this Court.

(x) The applicant shall furnish her active mobile number and email ID to this Court as well as to the IO and shall keep the same operational at all times. She shall not change the mobile number or email ID without prior intimation to this Court and to the IO.

(xi) The applicant shall mark her attendance before the IO/office of Special Cell every Monday between 10:00 a.m. and 12:00 noon for the first two months from the date of her release. Thereafter, she shall mark her attendance as per the original bail order, unless otherwise directed by this Court.

(xii) The applicant shall appear before this Court on each and every date of hearing unless exempted by a specific order.

(xiii) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case.

(xiv) The applicant shall not tamper with evidence or hamper the trial in any manner.

(xv) The applicant shall file a status report regarding the progress of her visa/FRRO application before expiry of two months from the date of her release.

(xvi) In case the applicant fails to apply before FRRO/competent authority within the time granted, fails to cooperate with the said process, or violates any condition imposed by this Court, the prosecution shall be at liberty to move an appropriate application for cancellation of bail.

24. It is clarified that except the limited modification/temporary suspension of the pre-release visa condition for two months, all other conditions imposed vide bail order dated 11.12.2025 shall remain unchanged and binding upon the applicant.

25. Both applications stand disposed of accordingly. Copy of this order be given dasti to the parties. Copy of this order be sent to the accused through the concerned Jail Superintendent.

**(Jitendra Pratap Singh)**  
**ASJ/Spl. Judge, NDPS/N Delhi**  
**05.06.2026**