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Bail SC/323/2025

State Vs. Emmanuel Nwafor

FIR No. 519/2024

PS Vijay Vihar

23.08.2025

Present: Ms. Geeta Bansiwala, Ld. Addl. PP for the State.

None for the accused.

1. This is an application under Section 483 BNSS for grant of regular bail, moved on behalf of applicant Emmanuel Nwafor.

2. Facts of the case in brief are that on 04.12.2024, accused was arrested near Christian Cemetery, Shamsan Ghat Road, Vijay Vihar, Rohini Delhi by patrolling staff of PS Vijay Vihar, Rohini and total 57 gms (commercial quantity) of MD(Amphetamine) was recovered from the possession of the accused.

3. It is submitted by Id. Counsel for applicant/accused that applicant/accused had been in JC since 05.12.2024. It is submitted that co-accused in the present case has been admitted to bail by this Court itself. It is further submitted that no public witness was joined in the search and seizure proceedings. It is further submitted that though the police has stated about three four passersby being asked to join investigation but if they refused, no action was taken against them u/s 187 IPC. It is further submitted that no written communication or ground of arrest were given by IO to the applicant and hence, Section 50 Cr. P.C has not been complied. It is further submitted that every police officer or

other person arresting any person without warrant shall communicate him full particulars of the offence and other grounds of arrest, however, the same was not done and hence violation of Section 52(1) NDPS Act was made. has not been complied with.

4. Ld. Counsel has placed reliance on two judgments also which are as under :-

i.) State of Rajasthan Vs. Parmanand & Anr.

ii.) State of Himachal Pradesh Vs. Pawan Kumar

5. On the other hand, ld. Addl. PP has opposed the application stating that allegations are very serious. It is submitted that a total 57 gms of MD(Amphetamine) has been recovered from the accused which is a commercial quantity. Therefore, rigors of Section 37 NDPS Act are applicable against the applicant. It is further submitted that applicant/accused may commit the same offence again, if released on bail. Hence, the bail be dismissed.

6. Heard. Perused.

7. Considering the nature of allegations and the high possibility that the applicant/accused was running illegal drugs syndicate and also considering the fact that the recovery of contraband material is of commercial quantity, the bar provided u/s 37 NDPS Act is applicable, hence no ground is made out to make out any reason to believe that offence is not committed. *Hence, application seeking regular bail is dismissed.*

8. In view of the recommendations of Rules Committee under Section 523 of BNSS, 2023 with respect to the practice directions issued by Hon'be Supreme Court of India in Writ Petition no. W.P.(C) 1082/2022 Suhash Chakma Vs. Union of India & Ors., the applicant can avail the free legal aid facility from District Legal Services Authority (North-West) at Room No. 405, 4th Floor, District Court Rohini, Delhi-110085. Applicant may contact the authority on phone number 011-27555536 or through mail at e-mail ID northwest-dlsa@nic.in.

(SHIVAJI ANAND)
ASJ-02/Spl. Judge (NDPS)
North-West, Rohini Courts, Delhi/23.08.2025