

Bail Matters 7/2026
STATE Vs. CHIBUIKE OLUEBUBE
FIR No. 422/2024
PS- (Amar Colony)
u/s 21 of NDPS Act and 14 Foreigners Act

28.03.2026

File taken up today on an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Chibuike Oluebube for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.

Sh. Meghan, Ld. Counsel for the applicant/accused.

1. Vide this order, this Court shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Chibuike Oluebube. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 14.11.2024 and that he has been falsely implicated in the present matter as he has nothing to do with the alleged offences. Ld. Counsel further submitted that there is a violation of Article 22(1) of the Constitution of India as the law is very well settled by the Hon'ble Apex Court as well as Hon'ble High Court that the accused has to be informed about his grounds of arrest in writing, however, the grounds of arrest had not been furnished in writing to the accused. Ld. Counsel further submitted that there is total non-compliance of the proviso to Section 42 of NDPS Act and the same itself vitiates the recovery, if any. Ld. Counsel further submitted that there are discrepancies in the seizure

memo with the other documents such as the arrest memo and others and there is nothing in the present case to suggest that the applicant/accused was carrying the alleged contraband and even the independent witnesses have not joined the proceedings. Ld. Counsel further submitted that that the investigation in the present matter has been completed, chargesheet has already been filed and charges have also been framed and that the trial will take a long time as there are a total of 19 witnesses and therefore, no fruitful purpose would be served by keeping the applicant/accused behind the bars. He also submitted that the applicant/accused has clean past antecedents and he is not a previous convict. Ld. Counsel thus, submitted that applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail. In support of his submissions, Ld. Counsel placed reliance on the following cases:

i). Pahalman Budha Magar vs. State NCT of Delhi Bail Application No. 4034/2025;

ii). Zakey Ahmed vs. State of NCT Delhi & ANR. Bail Application No. 817/2025;

iii). Asif Ali vs. State of NCT of Delhi Bail Application No. 647 of 2022;

iv). Sarija Banu alias Janarthani alias Janani and Another vs. State Through Inspector of Police (2004) 12 SCC 266;

v). Nagesh Sharma vs. The State (NCT of Delhi) Bail Application No. 3185/2022;

vi). The State (NCT of Delhi) vs. Nagesh Sharma Special Leave Petition (Criminal) Diary No. 28838 of 2023; and

vii). State of Haryana vs. Jarnail Singh and Others (2004) 5 SCC 188.

3. *Per contra* Ld. Addl. PP for the State vehemently opposed the bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP submitted that applicant/accused is a part of organized drug nexus which sell narcotics drugs in the daylight and that the drug menace is affecting the entire society and especially it is targeting the younger generation and it affects the economy of the country and that illicit money is being used for drug trafficking which is a serious offence and the persons involved in the illicit drug trafficking are destroying the social fabric of society and leading youth to wrongful path. Ld. Addl. PP further submitted that the allegations against the applicant/accused are very grave and serious in nature as the case involves seizure of commercial quantity of NDPS drugs i.e 404 grams of MD, attracting the rigorous of Section 37 NDPS Act which bars grant of bail unless twin conditions are satisfied, which are clearly not met in the present case. Ld. Addl. PP further submitted that the present applicant/accused is a foreign national of Nigerian origin and he does not have any permanent address in India, and therefore, if he is granted bail, there is strong possibility that he may jump the bail and flee from criminal justice system. Ld. Addl. PP thus, submitted that the applicant/accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground

to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

6. During the course of arguments, it was brought to the fore that in the present case, commercial quantity i.e. 404 grams of 'MD' alongwith multiple poly bags used for packing drugs, two digital weighing machines and cash amounting to Rs. 64,030/- suspected to be proceeds of drug trafficking, were recovered from the possession of the applicant/accused. Further, as per the report, the recovery was effected pursuant to prior secret information, after due compliance of Sections 42 and 50 NDPS Act, and is supported by seizure memos, witnesses, and documentary evidence. It has also been alleged that the recovered contraband has been scientifically confirmed as MD by FSL Rohini, and the report is already part of the judicial record through a supplementary chargesheet. Further, during the course of arguments, it was contended that the applicant/accused is a foreign national of Nigerian origin with no permanent roots in India and therefore, I am of the considered view that the possibility of jumping the bail and fleeing from justice system cannot be ruled out.

7. The present case involves commercial quantity of the contraband substance i.e. 404 grams of 'MD' from the applicant/accused. The criterion and broad parameters under

Section 37 of NDPS Act have been discussed in **Collector of Customs v. Ahmadalieva Nodira, (2004) 3 SCC 549** observations of the Hon'ble Supreme Court read as follows: -

"6... As observed by this Court in Union of India v. Thamisharasi [(1995) 4 SCC 190 : 1995 SCC (Cri) 665 JT (1995) 4 SC 253] clause (b) of sub-section (1) of Section 37 imposes limitations on granting of bail in addition to those provided under the Code. The two limitations are: (1) an opportunity to the Public Prosecutor to oppose the bail application, and (2) satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

The limitations on granting of bail come in, only when the question of granting bail arises on merits. Apart from the grant of opportunity to the Public Prosecutor, the other twin conditions which really have relevance so far as the present accused-respondent 'is concerned, are: the satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. The conditions are cumulative and not alternative. The satisfaction contemplated regarding the accused being not guilty has to be based on reasonable grounds. The expression "reasonable grounds"...means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence: The reasonable belief contemplated in the provision requires existence of such, facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence "

8. In the aforementioned circumstances, taking into account the gravity of the offences, the role attributed to the accused herein, the fact the prosecution witnesses are yet to be examined and further, the contraband recovered from the applicant/accused in the matter is commercial in nature and

applicant/accused was a part of drug nexus which are selling narcotic drugs, I am of the opinion that bail ought not to be granted to the accused Chibuike Oluebube at this juncture. Accordingly, the present bail application is hereby dismissed.

9. Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

10. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

11. Copy of the order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /28.03.2026