

Bail Appln. No. 484/26  
DRI VS. NASIBU SHAIBU MKALI

25.03.2026

Present :- Ms. Mala Sharma, Ld. Counsel for DRI  
Ld. Counsel for the applicant / accused.

This is an application u/s 483 BNSS for grant of regular bail moved on behalf of accused Nasibu Shaibu Mkali.

Reply filed by DRI.

1.0 It is argued on behalf of the applicant / accused that he has been falsely implicated in the present case. It is submitted that no contraband substance was recovered from the personal search or the baggage of the accused. It is further submitted that out of the 52 oval capsules ejected by the present applicant /accused, only one capsule was randomly tested using field testing kit but the remaining capsules were not tested by the DRI officials to confirm whether they too contained cocaine or not. The alleged recovery is surrounded with procedural lapses. Even the CCTV footage of the interception at the airport has not been produced. It is further argued that the provisions of Sec. 50 and 103 Customs Act were violated by the DRI officials. In support, Ld. Counsel has relied upon *Kitoko Ngiembo Alain Vs. Customs*, Bail Appln. No. 3428/25, decided on 16.02.2026 and *Directorate of Enforcement Vs. Subhash Sharma*, Spl. Leave Petition (Crl.) No. 1136/2023 decided on 21.01.2025.

1.1 Ld. Counsel for the DRI has submitted that the accused was apprehended at IGI Airport and thereafter, he was produced before the Ld. MM to seek permission for his medical examination at government hospital. Thereafter, at RML Hospital,

//2//

the accused eased out a total of 52 capsules from 23.08.2023 to 25.08.2023. It is submitted that the accused is a foreign national and if released on bail, he might flee from the country. In support, Ld. Counsel for DRI has relied upon *NCB Vs. Kashif*, CrI. Appeal No. 5544/2024 decided on 20.12.2024, *Vijaysinh Chandubha Jadeja Vs. State of Gujarat*, AIR 2011 SC 77, *State of MP Vs. Kajad*, (2001) 7 SCC 673, *Union of India Vs. Kuldeep Singh*, 2004 (2) SCC 590.

2.0 Arguments heard. Record perused.

3.0 Accused Nasibu Shaibu Mkali arrived at IGI Airport, New Delhi from Addis Ababa via Ethiopian Airlines on 23.08.2023 where he was intercepted by the officers of DRI and thereafter, he eased out 52 capsules at RML Hospital during 23.08.2023 to 25.08.2023 containing white colour substance weighing 669.0 gms. The accused was medically examined only after the permission was sought from the Ld. MM. The CRCL report confirmed that the recovered substance was cocaine hydrochloride. The said contraband was illegally imported into India by the accused. The discrepancies so pointed out by the Ld. Counsel for applicant / accused is a matter of trial. The commercial quantity of contraband was recovered from the accused. The accused has not been able to overcome the rigors of Sec. 37 NDPS Act. No ground for bail is made out at this stage. Hence, **the bail application of accused Nasibu Shaibu Mkali is dismissed.**

**The application is disposed off accordingly.**

**Copy of the order be given dasti.**

(Ajay Garg)  
Special Judge-NDPS/ASJ (South)  
Saket Courts/25.03.2026