

**SC 108/2025**  
**Bail Matters 1561/2025**  
**STATE Vs. OTUTUBUIKE KINGSLAY**  
**FIR no.1298/2024**  
**PS NIHAL VIHAR**

**16.09.2025**

Pr: Sh. Subhash Chauhan, Ld. Chief PP for the State.  
Ld. Counsel for the applicant/accused.  
IO in person

File perused. Heard.

This is an application u/s 483 of BNSS filed on behalf of the applicant/accused Otutubuike Kingslay for grant of bail.

Reply has already been filed on behalf of the IO. Copy already supplied. Arguments heard. Clarifications sought. Record gone through.

It is submitted by Ld. Counsel that accused/applicant is innocent and has been falsely implicated in the present case. It is further submitted that applicant/accused was arrested on 08.12.2024 and since then he is in JC. It is further submitted that nothing incriminating was recovered from possession of the applicant/accused and the recovery, if any, has been shown, same is planted one. It is further submitted that the alleged recovery in the present case is of intermediate quantity, therefore, there is no bar u/s 37 NDPS Act. It is further submitted that in the present case no independent witnesses were joined at the time of proceedings of the alleged recovery of contraband. Ld. Counsel

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further submits that no photography of the alleged recovery of contraband was done. It is further submitted that the investigation has already been completed and chargesheet has already been filed and now FSL result has already been received in the present case. With these submissions, prayer is made for grant of bail.

On the other hand, Ld. Addl. PP for the state has strongly opposed the present bail application of the applicant on the ground that the allegations against the accused are serious in nature.

Brief facts of the case are that in the present case on 08.12.2024, applicant/accused was apprehended and contraband of 18 Grams of Methamphetamine (as per FSL result) was recovered from his possession. The amount of contraband recovered in the present case is of intermediate quantity, therefore, bar u/s 37 of NDPS is not made out in the present case. Applicant is in custody since 08.12.2024. Investigation of the case has already been completed and nothing more is to be recovered from the accused.

Considering the facts of the case and keeping in view the submissions & period of incarceration, applicant/ accused is admitted to bail on furnishing bail bond in a sum of ₹40,000/- with one surety of the like amount and subject to the following conditions :

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1. That the applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
2. That the accused will not jump the bail and will appear in the court regularly.
3. That accused shall not indulge into similar offence or any other offence in the event of release on bail.
4. That accused shall not tamper/influence any evidence/witness in any manner.
5. That in case of change of residential address, accused shall intimate the court about the same within a week.

Nothing stated hereinabove shall tantamount to be an expression of final opinion on the merits of the case. With above observations, application stands disposed off accordingly.

Copy of the order be given dasti, as prayed for.

Copy of the order be also sent to the concerned Jail Superintendent.

**(SATVIR SINGH LAMBA)**  
**ASJ/SPECIAL JUDGE (NDPS),**  
**WEST DISTRICT, DELHI/16.09.2025**