

SC 239/2024
STATE Vs. UCHE UWADIEGU
FIR no. 1272/2023
PS Paschim Vihar West

20.03.2026

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

File perused. Heard.

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

Reply to the present application already filed. Copy already supplied. Arguments heard. Case file gone through.

It is submitted by the Ld. Counsel that the applicant/accused is innocent and has been falsely implicated in the present case. Ld. Counsel further contended that the accused was arrested in the present case on 13.10.2023 and since then he is in JC. It is further submitted that the accused/applicant was not informed of grounds of arrest in the present case. It is further submitted that there is material contradiction in the evidence of PWs. It is further submitted that no public witness or independent witness was joined at the time of alleged recovery proceedings. It is further submitted that there is no videography of the recovery of alleged contraband in the present case. It is further submitted that the custody period of applicant/accused is more than 2 years and five months and trial of case shall take long time to conclude.

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With these submissions, prayer is made for grant of regular bail.

On the other hand, Ld. Chief PP for the state has strongly opposed the present bail application of the accused on the ground that commercial quantity of both the contrabands was recovered from the possession of the applicant/accused, hence there is bar u/s 37 of NDPS Act in the present case. Ld. Chief PP further submits that the allegations against the accused are serious in nature and the possibility of tempering of evidence and influencing of witness and fleeing away from the justice cannot be ruled out in case applicant/accused is admitted on bail. With these submissions prayer is made for the dismissal of the present application.

In the present case applicant/accused was apprehended on the basis of a secret information on 12.10.2023 and 1.01 Kg of Heroin & 75 Gram of Amphetamine was recovered from his possession. In the present case, alleged recovery of both the contrabands is of commercial quantity, therefore, bar u/s 37 of NDPS is made out in the present case. Further record reveals that there are no material contradictions in the testimony of the PWs, instead they have affirmed the factum of the recovery as well as compliance of necessary provisions of NDPS Act in their testimonies.

Moreso, the contention raised by Ld. Counsel that accused/applicant was not communicating in writing the grounds

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of his arrest does not hold water as the reasons of arrest are duly mentioned in arrest memo of the applicant/accused. Moreover, in view of the case law laid down by Hon'ble Apex Court in CRIMINAL APPEAL NOS. 3528 - 3534 OF 2025 (Arising from SLP (Crl.) Nos. 516 – 522 of 2025) titled as STATE OF KARNATAKA VERSUS SRI DARSHAN ETC., also held that the mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend. Further, no other material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse.

Moreover, record also reveals that the previous bail application of the accused was also dismissed vide order dated 16.01.2025. Considering the facts & circumstances of the case as well as keeping in view the nature & gravity of the allegation against the applicant/accused, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, the present application is dismissed.

Nothing discussed herein-above shall have any bearing upon the merits of the case.

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

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

(SATVIR SINGH LAMBA)
ASJ/SPECIAL JUDGE (NDPS),
WEST DISTRICT, DELHI/20.03.2026