

**CNR No. DLWT01-006306/22**  
**SC No.433/22**  
**FIR No.428/22**  
**P.S. Tilak Nagar**  
**u/s 21 NDPS Act & 14 of Foreigner Act**  
**State V/s Ismael**

**14.09.2023**

This is an application filed on behalf of applicant/accused Ismael u/s 440/445 Cr.P.C. for reduction of surety amount and acceptance of cash thereof in lieu of surety bond.

Present: Mr. Subhash Chauhan, Ld. Addl. PP for the State.  
IO/ASI Charan Singh in person.  
Ms. Mamta Wadhwa, Ld. counsel for applicant/accused.

Application seen. Reply of IO thereto also perused.  
Ld. counsel for applicant submits that applicant has already been granted bail vide order dated 12.07.2023 passed by this Court on furnishing of PB and SB of ₹50,000/-. She further submits that the applicant is a foreign national and he is a poor fellow, who visited India in search of job and he got entangled in the present case. She also stated that now applicant/accused is not in a position to arrange any surety and he is in JC despite securing bail vide order dated 12.07.2023. She seeks reliance upon the authorities titled *Shokhista V/s State, 2005 Law Suit(Del) 1316 and Ifeanyai Chukwu Okeke V/s U.T. Chandigarh, CRM-M-2050-2018(O&M)*. Accordingly, she prays for reduction of surety amount to a reasonable extent with permission to deposit the given cash surety amount.

On the other hand, Ld. Addl. PP for State submits that the Court may allow the plea of reduction of surety amount in given case, however, he also expressed apprehension that since the accused is a foreign national, he may flee from the justice and therefore, suitable conditions may be imposed upon him.

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On this, Ld. defence counsel as well as the IO submitted that the passport of accused is deposited in another case bearing FIR No.691/21 P.S. Tilak Nagar.

After hearing both sides and considering the fact that the accused could not be released despite bail order dated 12.07.2023 and the ratio of aforecited authorities and the power of the Court u/s 440 & 445 Cr.P.C., this Court hereby allows the present application of the accused and the surety amount is reduced to ₹30,000/- from ₹50,000/- and he is directed to deposit the cash surety amount in lieu of surety bond. The applicant is strictly directed to file an appropriate affidavit and undertaking not to leave the country without prior permission of the Court within one week from his release. The bail order dated 12.07.2023 stands modified accordingly and it is made clear that other terms and conditions of the bail order dated 12.07.2023 shall remain as it is.

A copy of this order be sent to the Jail Superintendent concerned for information to accused.

Put up for purpose fixed on the date already fixed i.e. 31.10.2023.

**(RAKESH KUMAR RAMPURI)**  
**ASJ/ SPECIAL JUDGE: (NDPS)**  
**(WEST)DELHI/ 14.09.2023.**