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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Reserved on: 10th October, 2025**
Decided on: 27th October, 2025

\+ BAIL APPLN. 3830/2024

STANLEY CHIMEIZI ALASONYE @UKA CHUKWU

.....Petitioner

Through: Mr. J.S. Kushwaha & Ms. Tanya Kushwaha, Advocates

versus

THE STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Mr. Taran Srivastav, APP with SI Vidyakar Pathak, PS Mohan Garden & ASI Hansraj, PO, Bail Cell, Dwarka

Ms. Nidhi Raman, CGSC with Mr. Arnav Mittal, Advocate for FRRO/UOI with ASI Padma Kumar, Legal Cell, FRRO

\+ BAIL APPLN. 3037/2025

HENRY OKOLIE .....Petitioner

Through: Mr. Sumer Singh Boparai, Mr. Surya Pratap Singh, Mr. Shubham Raj Anand & Mr. Abhilesh Kumar Pathak, Advocates

versus

STATE OF N.C.T DELHI & ANR. .....Respondents

Through: Mr. Taran Srivastav, APP with SI Vidyakar Pathak, PS Mohan Garden & ASI Hansraj, PO, Bail Cell, Dwarka

Ms. Nidhi Raman, CGSC with Mr. Arnav Mittal, Advocate for FRRO/UOI with ASI Padma Kumar, Legal Cell, FRRO

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HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

RAVINDER DUDEJA, J.

1. These petitions have been filed by the petitioners Stanley Chimeizi Alasonye & Henry Okolie, seeking regular bail in case FIR No. 564/2021, registered under sections 21/25 NDPS Act. Charge sheet has been filed under sections 420/467/468/471 IPC, Sections 21/25/29 NDPS Act and Section 14 Foreigner's Act against both the petitioners.

Brief Facts:

2. As per allegations, on 01.10.2021, acting on a secret information that two Nigerian nationals were selling drugs near Sharma Sweets, R-Block Extension, Mohan Garden, a raiding team, led by SI Subash Chand and HC Jitender, was constituted. At about

6:00 pm, petitioner Henry Okolie and co-accused Uchechukwu Peter Igbonaju were apprehended from the spot on the Scooty bearing No. DL6S-AT-6519 and 500 grams of heroin each was recovered from their possession. FIR under Sections 21/25 of the NDPS Act was registered, and during investigation, a subsequent raid at House No. 77, R-Extension, Mohan Garden, led to the recovery of 4 kg of chemical powder and various items allegedly used for manufacturing drugs.

3. On 04.10.2021, at the instance of petitioner Henry Okolie and co-accused Uchechukwu Peter Igbonaju, petitioner Stanley Chimeizi Alasonye was apprehended with a Scooty from the nearby area of House No. 77, R-Extension, Mohan Garden and 300 grams of heroin was recovered from his possession.

4. Samples were drawn under Section 52A NDPS Act and sent to FSL Rohini, which confirmed the presence of diacetylmorphine and related substances. During investigation, the passports of the petitioners were found to be forged and fabricated and accordingly Sections 420, 467, 468 & 471 IPC were added.

Submissions on behalf of the Petitioners

5. The learned counsels appearing on behalf of the petitioners submitted that petitioners have suffered incarceration as under-trials for almost four years. Investigation is already complete and petitioners

are not required for further investigation. It is further submitted that prosecution has cited 13 witnesses. The charges were framed after an undue delay of 2 years from the date of filing of the charge sheet and despite efflux of 8 trial dates, out of 13 witnesses, only 2 of them have been completely examined while PW-3 is partly examined in chief.

6. It is submitted that there is an unwarranted delay in the trial, lackadaisical approach of the prosecution and consequential infringement of personal liberty of the petitioners enshrined under Article 21 of the Constitution of India.

7. It is further submitted that as per the constitutional mandate under Article 22(1) of the Constitution of India, it is the right of the accused to be provided the grounds of arrest forthwith at the time of arrest and the Constitutional Courts have interpreted it as a mandatory requirement in law that the grounds of arrest must be served in writing at the time of arrest. It is stated that the perusal of the arrest memo and charge sheet demonstrates that the grounds of arrest were not supplied to the petitioners at the time of their arrest and thus the arrest of the petitioners is vitiated on account of violation of Article 22(1) of the Constitution of India read with Section 52 NDPS Act read with Sections 50 & 52 –A Cr. PC.

8. It is further submitted that absence of independent witnesses/photographs/videographs/CCTV footage at the time of

recovery also castes serious doubts on the authenticity of recovery the alleged contraband.

9. Lastly, it is submitted that petitioners have clean antecedents, not being involved in any other criminal case and their continuous incarceration would severely prejudice the petitioners' rights to prepare their defence.

Submissions on behalf of the State

10. *Per contra*, the learned APP submits that not only the recovery has been affected from the possession of the petitioners, but they are also involved in manufacturing of the drugs, inasmuch as, at their instance, chemical powder was recovered, which by itself was not a contraband substance, but is a chemical used in purification and preparation of narcotic drugs, thereby, clearly showing the involvement of the petitioners in manufacturing process. It is further submitted that petitioners do not have any permanent address in this country and are a flight-risk. They have no verified record of legal entry into India, thereby, indicating that they have illegally entered into the country, further strengthening the prosecution case against them.

Submission on behalf of FRRO

11. Learned counsel, appearing for the FRRO, has also opposed the grant of bail to the petitioners, submitting that both petitioners are illegal migrants, residing in India without any valid entry or exit

records or even valid passports. It is submitted that the passports of the petitioners do not bear any arrival or departure stamps, clearly indicating that they did not enter the country through authorized immigration channels. Further, the accommodation details, furnished by the petitioners during verification, were found to be fake and fabricated. It is also submitted that petitioners have falsely claimed different nationalities, one purporting to be a UK national and the other a Singapore national, thereby demonstrating their attempt to mislead the authorities and evade legal scrutiny. Thus, it is submitted that considering their illegal stay, lack of verifiable identity, fake passport and visa, and potential flight risk, the petitioners are not entitled to the discretionary relief of bail.

Analysis & Conclusion:

12. If the prosecution case is to be believed, petitioner Henry Okolie was apprehended on the basis of a secret information, and from his possession, 500 grams of heroin has been recovered while petitioner Stanley Chimeizi Alasonye has been apprehended at the instance of Henry Okolie, and from his possession, 300 grams of heroin is shown to have been recovered. Admittedly, there is no independent witness of recovery but the same by itself cannot be considered as a ground for grant of bail, inasmuch as, the evidentiary value of the testimonies of the police witnesses would be determined during the trial. The Supreme Court in the case of ***Surinder Kumar v.***

State of Punjab, (2020) 2 SCC 563 held that there is a presumption in favour of the police in discharge of their official duties unless contrary evidence is produced. The recovery effected in the presence of police officials cannot be doubted, as is held in various judgments by the Supreme Court, namely, ***Kallu Khan v. State of Rajasthan***, (2021) 19 SCC 197, Jagwinder ***Singh v. State of Punjab***, Crl. Appl. No. 2027/2012 dated 02.11.2023 and ***Ram Swaroop v. State (Govt. of NCT of Delhi)***, (2013) 14 SCC 235.

13. Admittedly, there is no videography/photography of the incident. The same was not a mandatory requirement under the Code of Criminal Procedure. No doubt, the use of technology certainly enhances the efficacy and transparency of the police investigation and assures fairness, and therefore, every effort should be made by the Investigating Officer to use technological means in aid of investigation. At the same time, it cannot be ignored that the tools for videography/photography were not earlier available with the Investigating Officers in the year 2021, and therefore, the version of the police cannot be disbelieved merely because the search and seizure were not videographed/photographed.

14. With regard to the non-supply of grounds of arrest, the Hon'ble Supreme Court in the recent judgment of ***State of Karnataka Vs. Sri Darshan etc.***, 2025 INSC 979, held that procedural lapses in furnishing the grounds of arrest, in the absence of any prejudice being

shown to have been caused to the accused, do not *ipso facto* render the custody illegal or entitle the accused to bail. The relevant paras of the judgment read as under:-

> "**20.1.5.** While Section 50 Cr.P.C is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. 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.
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> **20.1.7**. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on *Pankaj Bansal* and *Prabir Purkayastha* is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail."

15. In the present case, petitioners have not been able to demonstrate that they suffered any prejudice on account of not being provided the grounds of arrest, and therefore merely on the said ground, they are not entitled for the grant of bail.

16. The alleged recovery from the petitioners falls within the category of "commercial quantity". Consequently, the rigors of Section 37 of the NDPS Act would be attracted in the present case,

which are mandatory in nature. The recording of finding as mandated in Section 37 is *sine qua non* for granting bail to the accused involved in the offences under the said Act. The twin conditions provided in the said Section are (i) satisfaction of the court that there are reasonable grounds for believing that accused is not guilty of the alleged offence and (ii) he is not likely to commit an offence while on bail. Both these conditions are cumulative and not alternative.

17. In my view, the narrow parameter of bail available in Section 37 of the Act has not been satisfied in the facts of the present case. Petitioners have not been able to overcome the twin hurdle of Section 37.

18. Petitioners are stated to be in custody for the last about four years. The Court is conscious of its duty to strike a balance between individual liberty and the larger societal interest. The period of custody, while relevant, must be weighed against the totality of circumstances, including the nature of the crime. The objective behind the enactment of the NDPS Act is to create a comprehensive legal framework to tackle the twin challenges of drug abuse and drug trafficking in India and also to fulfill India's obligations under the international conventions.

19. The Status Report filed by the FRRO reveals that no arrival or departure details of the petitioners were found mentioned on their passports, leading to the conclusion that they had entered India

illegally through some porous border area and had used some other passports issued under different parameters, which they are not revealing. They had used fake passports to stay in India in order to hoodwink the authorities. The Status Report further reveals that the visa details provided by the petitioners to various hotels for providing accommodation facilities were found to be fake. In fact, such visas were actually issued to the other foreign nationals of United Kingdom and Australia and petitioners fraudulently used them for their ulterior motives. Petitioners do not have any immigration record of foreign nationals. Petitioners are thus flight-risks, and therefore, it may not be safe to release them on bail lest they may jump the bail and may not be available to face the trial. Thus, granting bail at this juncture would risk compromising both the trial and the public confidence in the justice system. The seriousness of the charge, the weight of the evidence and the statutory scheme, all point in one direction. Petitioners have not shown any circumstances exceptional enough to justify departure from that path. The continued custody is therefore warranted.

20. The allegations against the petitioners are grave and serious in nature. Hence, keeping in view the entire facts and circumstances, the nature and gravity of allegations, severity of punishment, the petitioners being flight-risks and in view of the bar under Section 37

of the NDPS Act, the Court is not inclined to grant bail to the petitioners.

21. The petitions are therefore dismissed.

22. Nothing contained in this order shall tantamount to be an expression on the merits of the case.

23. Copy of this order be sent to the petitioners through Superintendent Jail for information.

RAVINDER DUDEJA, J.

OCTOBER 27, 2025
NA