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

\# **CNR No. DLHC010184492026**

\+ **BAIL APPLN. 1646/2026**

JOYCE OYELLA .....Petitioner

Through: Mr. Abhinan Sekhri, Advocate.

versus

CUSTOMS .....Respondent

Through: Mr. Gibran Naushad, SSC and Mr. Suraj Shekhar Singh, Advocates with Mr. Anit Jain, Assistant Commissioner (Legal) & Mr. Rakesh Kumar, Air Customs Officer

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

O R D E R

% 25.11.2026

CRL.M.A. 34401/2026 (for modification of order dated 06.10.2026)

1. It is indeed shocking that the investigating officer has not appeared despite last order describing in detail the complete lackadaisical approach of Customs department in contesting this bail application, which approach could be the negligence or a deliberate abstention so as to ensure that the accused/applicant, from whose body, 126 capsules containing 887 grams heroin and 6 capsules containing Monoacetylmorphine and Caffeine were allegedly recovered at the airport, gets released on bail.

2. As reflected from record, this bail application came up for the first hearing on 29.04.2026 and the respondent/Customs was directed to file status report within two weeks. But till even 6th date (*06.10.2026*), status report was not filed. On that day, in response to a specific query regarding

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investigating officer, learned counsel for respondent/Customs stated that they do not have specific investigating officers; but in the course of dictation of the order, learned counsel admitted that there is a fixed investigating officer, but he had not appeared on that day. Keeping in mind the previous record, and observing that only on account of such defaults on the part of Customs, bail ought not to be granted, last and final opportunity was granted to respondent/Customs to ensure that their status report comes on record subject to deposit of cost of Rs.5,000/- by the investigating officer, failing which the Deputy Commissioner (Customs) was directed to appear personally to assist the Court.

3. Thereafter, the present application was filed.

4. Today, Mr. Anit Jain, Assistant Commissioner (Legal), IGI Airport has appeared along with Mr. Rakesh Kumar, Air Customs Officer. It is submitted by Mr. Jain that currently, there is no Deputy Commissioner, Customs. It is further submitted by him that the Assistant Commissioner concerned in the present case is Mr. Mahesh Jandera, Assistant Commissioner (Shift), IGI Airport, but he is on leave.

5. The shocking aspect is that both the officers appearing today submit that they do not know as to who is the investigation officer of the present case.

6. Learned counsel for respondent/Customs submits that he had filed the status report in time on 27.05.2026 with an application for condonation of delay of 14 days, but the same was not placed on record due to fault of the Registry. The Registrar General of this Court is requested to furnish specific report in this case as regards this submission of learned counsel, after examining the present application.

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7. Copy of this order be sent to the Commissioner (Customs) to examine and streamline the system of dealing with the liberty of persons arrested by them.

8. List the application on the next date.

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9. The accused/applicant seeks regular bail in case SC No. 847/2022 of PS IGI Airport for offence under Section 21/23/29 NDPS Act.

10. Arguments partly heard.

11. One of the vital grounds raised by the accused/applicant is the issue of illegal custody as alleged by him. It is submitted that the accused/applicant was admittedly discharged from hospital at 05:00pm on 23.04.2022 but was arrested at 06:30pm on 24.04.2022, after which he was produced before the magistrate. On this, learned counsel for respondent/Customs submits that Court has to be conscious that as many as 126 capsules were excreted out of body of the accused/applicant, so minor delay, even if any, would not be of consequence. But neither side is aware as to when the accused/applicant was produced before the magistrate.

12. On this aspect, learned counsel for respondent/Customs seeks and is allowed to file additional status report at least one week before the next date.

13. Relist on 14.12.2026 in Advance List. Comparatively shorter date is being given keeping in mind old pendency, so it is made clear that there shall no further indulgence.

GIRISH KATHPALIA, J

NOVEMBER 25, 2026/*ry*

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