

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.637 OF 2014**

M/s. Mate Ineida Noemia De .Applicant  
Assuncao Estevao

v/s.

Union of India & anr. .Respondents

Ms Sartaj Shaikh, Advocate, for the Applicant  
Mrs.A.A.Mane, Advocate, for the Respondent No.1  
- UOI  
Mrs.Rutuja Ambekar, APP, for the Respondent No.2  
- State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 10.09.2015**

**P.C.**

. Heard learned counsel for the  
applicant, learned APP for the respondent No.1 –  
UOI and the learned APP for the respondent No.2  
– State.

2. By this application, the applicant  
seeks modification/relaxation of the condition  
dated 18.01.2014 passed by the learned Special

Judge, under NDPS Act, Greater Bombay in B.A.No.3 of 2014 in NDPS.R.A.No.113 of 2013.

3. Learned counsel for the applicant states that the applicant is a Mozambic national and was arrested on 12.08.2013 for being found in possession of 15 Kg white crystal powder purported to be methaqualone. Learned counsel for the applicant states that subsequently, CFSL report showed that the substance that was found was not methaqualone but ephedrine. She submits that as the prosecution had failed to file a complaint within 60 days from the date of arrest, the applicant was enlarged on bail under Section 167(2) of the Code of Criminal Procedure. She submits that the applicant has been in custody since 12.08.2013. The said order enlarging the applicant on bail under Section 167(2) of the Code of Criminal Procedure was passed on 18.01.2014. She submits that despite

being enlarged on bail, the applicant was unable to furnish P.R.Bond of Rs.3,00,000/- with one surety as directed by the learned Special Judge, (NDPS Act), Mumbai. She submits that the applicant had filed an application seeking reduction of the bail amount, however, the same was also rejected by the learned Special Judge vide order dated 29.09.2014.

4. Learned APP opposed the bail application. Learned APP has filed an Affidavit of Mr.S.N.Godbole, Superintendent of Customs, AIU, Mumbai. The only ground raised by the learned APP reduction of the bail amount is that the applicant is a Mozambic national and there is a possibility that she may not be available to face the trial, once she is enlarged on bail.

5. Perused the order. Admittedly, the applicant was arrested on 12.08.2013 and was

enlarged on bail on 18.01.2014 under Section 167(2) of the Code of Criminal Procedure. It appears that despite the applicant being enlarged on bail on furnishing P.R.Bond of Rs.3,00,000/- with one surety in like amount, the applicant till date, has not been able to furnish the bail amount. It is been more than 18 months that the applicant has been in jail, after she was enlarged on bail.

6. Considering the fact that the applicant is unable to arrange the bail amount of Rs.3,00,000/-, the condition imposed vide order dated 18.01.2014, by the learned Special Judge, directing the applicant to be enlarged on bail on furnishing P.R.Bond of Rs.3,00,000/- with one surety of the like amount is modified. Accordingly, the amount of bail is reduced and the applicant, shall now, be enlarged on bail on furnishing P.R.Bond of Rs.50,000/- with one or

two solvent sureties in the like amount. As far as the rest of the conditions, imposed vide order dated 18.01.2014 are concerned, the same to remain as it is and the applicant shall abide by the same.

7. The Application is disposed of in the aforesaid terms.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**

**CERTIFICATE**

Certified to be true and correct copy  
of the original signed Judgment/order.