

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (BAIL) NO. 279 OF 2017

Chibuzu Ifaniy Chukuwu Sunday,
Presently lodged in Judicial Custody
at Colvale.

..... Applicant

V e r s u s

1. State of Goa,
(As Rep. By Officer in Charge/Police Inspector
Anti Narcotic Cell (ANC) Police Station,
Panaji, Goa.

2. The Public Prosecutor,
High Court Building,
Altinho, Panaji, Goa.

..... Respondents

Shri T. Vaz, Advocate holding for Shri Salil Saudagar, Advocate for the Applicant.

Shri S. R. Rivankar, Public Prosecutor for the Respondents.

Coram :- NUTAN D. SARDESSAI, J

Date : 10th November, 2017

ORAL ORDER

Heard Shri T. Vaz, learned Counsel for the Applicant and Shri S. R. Rivankar, learned Public Prosecutor on behalf of the State-Respondent who has filed his reply opposing the application for bail.

2. It was the contention of Shri Vaz that the Applicant has not at all been involved in any other crime under the NDPS Act but that

however the learned Addl. Sessions Judge has erroneously made an observation at Para 5 of the impugned Order that he was arrested for being found in possession of 50 grams of Cocaine and granted bail by this Hon'ble Court when it is factually not so. Quite on the contrary, it is another Nigerian by the same name Sunday who was granted bail by this Court vide the Order dated 15.09.2017 upon being allegedly found in possession of 50 grams of suspected Cocaine and that he was not found in possession of the Passport and overstaying in India. It was further his contention that he was enlarged on bail by the learned Judge for the said Crime and that he is fulfilling all the conditions upon which he has been granted the benefit of bail.

3. Admittedly, the Applicant is found in possession of 30 grams of Cocaine which is a variable quantity and to which the rigours of Section 37 of the Act would not apply. There is no other case against the Applicant particularly under the NDPS Act and therefore merely on the ground that he is a Foreign National, there is no reason to deny him the benefit of bail. The apprehension expressed on behalf of the State that the Applicant would not be found or traced if enlarged on bail, can be alleged by putting him to terms and conditions. Therefore, i allow the application on the following terms :

- (i) The Applicant is released on bail upon

execution of a bail bond in the amount of ₹50,000/- and furnishing a local surety in the like-amount to the satisfaction of the learned Addl. Sessions Judge, Panaji.

(ii) The Applicant shall furnish his detailed address and mobile number, if any, to the Investigation Officer.

(iii) The Applicant shall not leave the State of Goa without the prior written permission of the Investigating Officer.

(iv) In these terms, the Application stands disposed off.

NUTAN D. SARDESSAI, J.

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