

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

CRIMINAL BAIL APPLICATION NO. 2420 OF 2018

Peter Okonkwo Igwedimma	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Ms.Lochan Chandka i/b. Mr.Taraq Sayed for Applicant.
Ms.J.S. Lohokare, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 15th April 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in C.R. No. 03 of 2017 dated 29/01/2017 registered with A.N.C. Azad Maidan Unit, Mumbai, for the offence punishable under Section 8(c) read with 21(b), 21(c) and 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short, "NDPS Act"*), Section 14(A),(B) of the Foreigners Act and Section 420, 467, 471, 474, 468 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The prosecution case in brief is that, the police attached to Anti Narcotic Cell, Crime Branch, Mumbai, received confidential information that, certain persons from African origin are indulging into illegal activities of 'sale and purchase' of narcotic drugs and/or psychotropic substances below the Eastern Freeway Bridge at Ray Road (E.), Mumbai. Accordingly, a trap was laid by the police and about 12 persons were apprehended on the spot. The applicant was searched by the police after completing with the necessary legal formalities and during his personal search 51 gms. of Mephedrone was found on his person. The applicant came to be arrested on 29th January 2017 and after completion of investigation, the police have submitted chargesheet.

4] The record clearly indicates that, the Investigating Agency after complying with the necessary legal formalities have conducted personal search of the applicant, wherein 51 gms. Mephedrone, which is commercial quantity under the Schedule of NDPS Act was found on the person of the applicant. The record further indicates that, all the accused persons in the present crime are foreign nationals and after coming to India under various pretexts are indulging into the sale and purchase/trade of Narcotic Drugs and Psychotropic Substances. There is

sufficient material available on record to show the clear complicity of the applicant in the present crime. Apart from the merits of the present case, even otherwise, the applicant has no fixed place of residence in Mumbai. The prosecution has expressed strong apprehension that, if the applicant is released on bail, he will again indulge into similar activities, as the applicant has no other source of livelihood in India. I find substance in the contention of the learned APP.

5] After perusing the entire chargesheet, this Court is of the considered view that, the applicant does not deserve to be released on bail.

6] Application is de hors of merits and is, accordingly, rejected.

[A.S. GADKARI, J.]