

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1559 OF 2023**

Olmid Christopher Kayode ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Mithilesh Mishra for the Applicant.

Mr. A. R. Kapadnis, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 JULY 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 465 of 2021 registered at Kondhwa Police Station, Pune City for the offences punishable under Sections 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. Pursuant to the secret information, on 16 June 2021 raid was conducted at the premises of the present applicant and approximately 53 gm of Cocaine was recovered.

5. This Court on 19 January 2023 in Bail Application No. 2201 of

2022 filed by the applicant passed the following order:

- “1. Considering the fact that the applicant, who is foreign national and is in jail for about two years, the trial Court shall endeavour to conclude the trial, as early as possible. In case, the trial is not concluded within a period of six months, the applicant is at liberty to file fresh application for bail before this Court.
2. With aforesaid directions, the Bail Application is disposed of.”

6. The learned counsel for the applicant submits inspite of above order, there is no progress in the trial and it is still at the same stage.

7. On the other hand, the learned APP submits that the applicant is involved in three more crimes of similar nature. It is submitted that if the applicant is released on bail, then he may again commit the same offence.

8. The applicant is in jail for more than two and half years. According to the prosecution 53 gm of Cocaine was found in possession of the applicant, which is a non commercial quantity. Considering the overall facts and circumstances and as the trial has not yet commenced, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 465 of 2021 registered at Kondhwa Police Station, Pune City for the offences punishable under Sections 8(c), 21(b) of the Narcotic Drugs and

Psychotropic Substances Act, 1985 on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) The applicant shall not enter into the limits of Pune District except to attend the dates before the trial Court.

(iv) The applicant shall submit his residential address and mobile number, if any to the concerned police station.

(v) The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)