

DIKSHA
DINESH
RANE

Digitally signed by
DIKSHA DINESH
RANE

Date: 2023.01.07
18:08:42 +0530

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

BAIL APPLICATION NO.2197/2022

PETER OKONKWO IGWEDIMMA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ashwini Achari a/w. Adv. Advait Tamhankar i/b. Adv.
Taraq Sayed for the applicant.

Ms. A. A. Takalkar, APP for State.

ASI Chavan, ANC, Azad Maidan.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 7, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 8(c), 21(b), 21(c) of the Narcotic
Drugs and Psychotropic Substances Act, 1985 (hereafter
'the NDPS Act' for short) registered vide First Information
Report (FIR) No.03/2017 with ANC, Azad Maidan, on
January 29, 2017.

3. The applicant was found in possession of 51 grams of
Mephedrone. The applicant was arrested on January 29,

2017. The applicant is in custody for more than 5 years and 11 months. Though the applicant is found in possession of the commercial quantity, but the same exceeds 1 gm above the non-commercial quantity. The minimum punishment is 10 years and maximum punishment is 20 years. The applicant has undergone incarceration for a period more than half of the minimum punishment. It is pointed out that the trial is on-going and three witnesses are already examined. Eight witnesses are yet to be examined. In the present facts, I do not find favour with the submission of learned APP that the trial be expedited.

4. Considering the period of long incarceration and having regard to the facts of this case, in my opinion, the case for bail is made out. Though the trial is on-going, is no ground to deprive the applicant facility of bail having regard to the long period of custody undergone. Hence the following order.

:: O R D E R ::

- (i) The application is allowed;
- (ii) Applicant-Peter Okonkwo Igwedimma is directed

to be released on bail in connection with FIR No.03/2017 with ANC, Azad Maidan, on executing P.R. Bond in the sum of Rs.50,000/-, with one or more local sureties in the like amount;

(iii) Applicant shall appear before the investigating officer once in a week on every Monday, between 11:00 a.m. to 01:00 p.m., till further orders;

(iv) The applicant shall surrender his passport with the Investigating Officer, if not already surrendered.

(v) The applicant shall not leave the jurisdiction of the Mumbai Suburban till the trial is completed.

(vi) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(vii) On being released on bail, the applicant shall furnish his contact number and local address to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is any change.

5. The application stands disposed of accordingly.

(M. S. KARNIK, J.)