

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

BAIL APPLICATION NO. 4127 OF 2021

King Chukwudi Fidelis

..Applicant

VS.

The State of Maharashtra

..Respondent

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

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 27, 2023

P.C. :

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

2. This is an application for bail by the applicant- King
Chukwudi Fidelis in connection with C.R. No.320 of 2019
dated 04/09/2019, registered with Koparkhairne Police
Station, for the offence punishable under sections 8(c), 22
and 29 of the Narcotic Drugs and Psychotropic Substances
Act, 1985 (hereafter "NDPS Act", for short), sections 4 and
25 of the Arms Act, sections 37 and 135 of the Bombay
Police Act, section 14 of the Foreigners Act, section 12 of the
Passport Act and sections 420, 467 and 471 of the Indian

Penal Code, 1860.

3. The applicant was found in possession of 64 gms of the contraband - Heroine, admittedly, a noncommercial quantity. The applicant was arrested on 04/09/2019 and is in custody for more than 3 years and 4 months. The charge-sheet is filed and the investigation is complete. The trial is not yet commenced and is likely to take a long time to conclude. The accused no. 2 was released on bail by order dated 26/11/2019 passed by the Sessions Court. However, no contraband was seized at his instance, as recorded by the trial Court while releasing accused no. 2 on bail. The applicant is a Nigerian national. Considering the period of incarceration and a non-commercial quantity was found on his person, the rigors of section 37 of the NDPS Act will not be attracted.

4. Further, there are no criminal antecedents reported against the applicant. I am, therefore, inclined to enlarge the applicant on bail. Hence, the following order.

ORDER

(a) Applicant- King Chukwudi Fidelis shall be released on bail in connection with C.R. No.320 of

2019, registered with Koparkhairne Police Station, on his furnishing P.R. Bond of Rs.30,000/- with one or more solvent sureties in the like amount.

(b) The applicant shall produce photo identity, address proof, mobile details of self and his two close relatives.

(c) The applicant is directed to produce documentary evidence to show his place of residence within jurisdiction of this Court.

(d) The applicant to attend concern police station once in a fortnight preferably on 1st and 15th day of each English Calendar month between 10.00 a.m. to 12.00 noon till further orders.

(e) The applicant shall produce his original passport before the Court.

(f) The applicant shall not leave India without prior permission of the trial Court.

5. The application is disposed of.

(M. S. KARNIK, J.)