

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.119 OF 2022

UNION OF INDIA, NARCOTICS CONTROL
BUREAU THR. INTELLIGENCE OFFICER,
AJAY KUMAR

... PETITIONER

Versus

ONYEKA NNADIOTU EGIKE (LODGED AT
JUDICIAL CUSTODY AT CENTRAL JAIL,
COLVALE

... RESPONDENT

Mr. Pravin Faldessai, Additional Public Prosecutor for the Petitioner.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 25th June, 2024

ORAL ORDER.

1. Heard Mr. Faldessai, learned Additional Public Prosecutor for the Petitioner.
2. The present petition is filed challenging the bail granted to the Respondent by the Special Court even though the contraband found with him was allegedly of a commercial quantity of drug.
3. The learned Trial Court failed to consider this aspect and granted bail.
4. A perusal of the impugned order would clearly go to show that a

raid was conducted by the Petitioner and some contraband was found with the Respondent alleging to be commercial quantity, the same was not tested on the spot with the Field Testing Kit.

5. It is no doubt clear from the records that the drugs were attached, sealed, and forwarded to the laboratory for analysis. There was no such report available from the CFSL confirming about narcotic drugs/psychotropic substances (LSD) and that too of commercial quantity.

6. The bail application was filed by the Respondent only on the ground that there is no material to show that the alleged contraband found and attached from the Respondent was in fact LSD and that too in commercial quantity.

7. The Trial Court considered this aspect which is clear from para 6 and 7 and observed that in the absence of the Field Testing Kit Report as well as the report from the laboratory, the Accused/Respondent cannot be detained further.

8. Such findings of the learned Special Court cannot be considered as perverse or illegal and that too while considering the present petition filed under Section 482 of Cr.P.C. r/w Article 227 of the Constitution of India.

9. Accordingly, there is no substance in the present petition and the same stands dismissed.

BHARAT P. DESHPANDE, J.