

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1381 OF 2024**

Tochukawu Tobias Umeh	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Ashwini Achari a/w. Mr. Taraq Sayed, Mr. Anish Pereira and Ms. Alisha Parekh for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 16th DECEMBER, 2024

P.C. :

1. The learned counsel for the applicant seeks relief on the ground of parity as co-accused persons were granted bail by this Court.

2. The applicant claims to be a Nigerian national and in this backdrop, it is specifically brought to the notice of this Court by the learned APP that upon information being sought from the office of the F.R.R.O. at Mumbai, it was found that when the applicant was arrested, he did not have any passport or other document to show his identity and the manner in which he entered this country.

3. In this connection, the learned APP invited attention of this Court to the document issued by the office of the F.R.R.O., stating that upon the records being checked in the immigration control system, there was no information revealed about the applicant. It was further noted that there was possibility that the applicant had arrived in India using some other identity and passport and that he was overstaying illegally.

4. The learned counsel for the applicant, in this context, relied upon order dated 12.11.2020 passed by the Sessions Court granting bail to the applicant in NDPS Special Case No.109 of 2019. It was submitted that one of the conditions imposed upon the applicant was that he would surrender his passport to D. N. Nagar Police Station.

5. In view of the above, the learned APP is requested to take appropriate instructions with regard to the passport of the applicant, said to have been surrendered with D. N. Nagar Police Station. A copy of the passport shall be produced before this Court, so as to verify whether the passport is still valid. These aspects are required to be looked at, in the light of the frequent cases being observed by this Court, where foreign nationals enter this country on tourist visa or other visa and repeatedly indulge in activities leading to such cases under the provisions of the NDPS Act.

6. List for further consideration on 13.01.2025, High on Board.

(MANISH PITALE, J)

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