

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2017 OF 2024

Ezobiyalo Ugochukwu Sunday ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Gorakh H. Liman a/w. Ms. Ashwini Gorakh Liman for Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Vinayak More, API, Mumbra Police Station.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 02, 2024

P.C. :

. Heard Mr. Liman, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent-State.

2. One of the contentions raised on behalf of the applicant is that mandatory provision of Section 52-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 has not been satisfied. In that regard, attention of this Court is invited to an order passed by the Jurisdictional Magistrate on 27.12.2021, directing the investigating officer to conduct inventory *panchanama* on 19.01.2022. It is submitted on behalf of the applicant that there is no such inventory *panchanama* found in the charge-sheet. Instead, samples drawn at the spot while conducting the seizure *panchanama* were sent directly for chemical analysis.

3. The learned APP seeks short adjournment to take specific instructions in the matter.

4. Even otherwise, considering the fact that the applicant is a foreign national, said to be a *Nigerian* citizen, even if this Court is inclined to grant bail to the applicant, it would be necessary for the applicant to

submit the following information on affidavit before this Court:-

- a. The details of the passport issued to the applicant by his country, including its validity;
- b. The nature of Visa given to the applicant on the basis of which he entered India and the date on which he entered India;
- c. The source of income of the applicant during his stay in India before he was apprehended in the present offence;
- d. The source of income of the applicant, if at all he is released on bail;
- e. If at all the applicant is released on bail, with whom and at what place, will the applicant stay so as to assure this Court that he shall attend the trial proceedings on each and every date.

5. The said affidavit be filed within two weeks from today.

6. The jail authorities are directed to assist the applicant in preparation and swearing of such affidavit.

7. List for further consideration on 24.09.2024, to be included in the supplementary list.

(MANISH PITALE, J.)