

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

BAIL APPLICATION NO. 2314 OF 2024

Godwin Ajah Chukwu	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Dilip Mishra a/w Ayaz Khan, Zehra Charania and Mallika Sharma for the Applicant.

Mr. Sagar R. Agarkar, APP for Respondent-State.

Mr. V. N. Bainwad, Police Inspector, Malvani Police Station.

**CORAM: MANISH PITALE, J.
DATE : 7th AUGUST 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. One of the arguments raised in the present case concerns non-compliance of the provisions under Section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. The material on record does not indicate that the exercise contemplated under the said provision was carried out by the investigating officer. *Prima facie* case is made out by the applicant in his favour.

4. But, the learned APP is correct in pointing out that since the

applicant is a foreign national (said to be a Nigerian citizen), stringent conditions need to be imposed upon the applicant.

5. It is also brought to the notice of this Court that the applicant appears to be having two passports. The learned counsel for the applicant submits that one of the passports is genuine and that the said passport has expired on 8th October 2020 i.e. exactly one year before the date of the incident and arrest of the applicant.

6. Considering the aforesaid circumstances, before the bail application is disposed of, it would be necessary for the applicant to place on record the following information :

- (a) The details of the valid passport issued by the Country of origin of the applicant, including the passport number and date of expiry.
- (b) The date of valid visa on the said passport.
- (c) The nature of visa given to the applicant to enter India.
- (d) The source of income of the applicant, during his stay in India.

7. The aforesaid stated information shall be placed on record an affidavit within three weeks from today.

8. List for further consideration on 30th August 2024, to be

included in the supplementary list.

9. In the light of above, the concerned jail authority shall permit the applicant to execute affidavit providing the above said information.

MANISH PITALE, J.