

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4206 OF 2024

Chima Collins Ejiofor @ Musiliu ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Khushal Parmar a/w. Ms. Anjali R. More for Applicant.
Mr. Tanveer G. Khan, APP for Respondent-State.
Mr. Prakash Sawant, PSI, ANC, Worli Unit, Mumbai.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 10, 2024

P.C. :

. This application was taken up for consideration out of turn on a specific contention raised on behalf of the applicant that the mandatory requirement under Section 52-A of the Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act) was not satisfied in the present case.

2. The learned APP, on instructions, submits that the exercise contemplated under Section 52-A of the NDPS Act was carried out. But the inventory *panchanama* was executed in the year 2023, while the record shows that the samples were sent for chemical analysis to the laboratory on 27.09.2021 itself. In fact, the chemical analysis report records the fact that the samples were received on 27.09.2021. Therefore, the applicant does have a strong case on merits.

3. But, at this stage, the learned APP has invited attention of this Court to another fact i.e. the applicant claims to be a *Nigerian* national but enquiries have revealed that his passport and Indian visa are fake and no such records are available with the *Nigerian* passport authorities. In

such a situation, it would be fraught with the risk to grant bail to such accused, who may abscond or change identity and again indulge in such nefarious activities.

4. The learned counsel for the applicant submits that the wife of the applicant has given him a passport of the applicant, which is valid and it also shows a valid visa.

5. In view of the above, the applicant shall file an affidavit along with a copy of the said passport and visa within two weeks from today. An advance copy shall be served on the learned APP so that the investigating officer can verify about the genuineness of the claims made before this Court.

6. If required, rejoinder affidavit may be filed on behalf of the respondent-State, within two weeks thereafter.

7. List this application for further consideration on 20.01.2025, High on Board.

(MANISH PITALE, J.)

Minal Parab