

19.09.2025

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

**Sl.1.
Bd.
Ct.29
(Rejected)**

C.R.M. (NDPS) 428 of 2025

In Re:- An application for Bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with CR (NDPS) Case No. 10 of 2025 arising out of Siliguri Police Station Case No. 30 of 2025 dated 12.01.2025 under Sections 21(b)/29 of the NDPS Act, 1985.

And

In the matter of : **Goodluck Chimezie Nwakamma @ Ziko
@ Andrew Leo Obi Petitioner.**

Mr. Dhiraj Lakhotia
Ms. Madhushri Dutta
Ms. Meghna Joshi
Ms. Anushuya Jhatoi ...for the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Ujjal Luksom ...for the State

Learned counsel appearing on behalf of the petitioner submits that petitioner is a Nigerian citizen but not FIR named. His name transpired from the co-accused statement from whom 93.06 grams of cocaine, which is below the commercial quantity was recovered. He further submits that both the accused persons from whom the recovery was made have already obtained bail. He further submits that the allegation against him can at best attract section 14(a) of the Foreigners Act, for which the maximum punishment is for five years. He further submits that investigation has already been culminated into a charge-sheet and his further detention may not be required and in support of his prayer for bail as a foreigner he has relied upon three Judgments in the case of **Frank Vitus -vs- Narcotics Control Bureau and Ors.**

reported in **(2025) 3 SCC**, in the case of **Tapas Ahmed –vs- State of West Bengal** reported in **2024 SCC online Cal 9108** and one judgment of Kerala High Court in the case of **Egadwa Mercy Adamba and Anr. –vs- State of Kerala & Anr.** reported in **2024 SCC Online Ker 5154**

Petitioner's further contention is that he entered India with a valid passport and Visa on medical ground but thereafter he lost his passport and Visa and over stayed for thirteen years and therefore considering the allegations leveled against him that he remained in India for a period exceeding the period for which the visa was issued to him and that no contraband was recovered from him, for which the rigour of section 37 of the NDPS Act, does not attract in respect of the present petitioner, he may be enlarged on bail on any terms and conditions.

Mr. Luksom, learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that the petitioner during investigation admitted that he had made three forged passport in his nicknames, which have already expired and he stayed in India illegally without any valid documents since 2012. He further submits that he usually earn money from online gaming but his main source of income comes from supplying cocaine to different persons in Delhi, Gurugram and North East including Siliguri and Sikkim. In course of dealing he came in contact with co-accused Pasang Moktan whom he used to supply cocaine for last five years. Mr. Luksom, further submits that during

investigation evidence of huge money trailing has been detected against him and moreover the call details report also established his involvement in making illegal dealing of narcotic substance. He further submits that investigation is still continuing and case is pending for filing supplementary charge-sheet and the next date for filing supplementary charge-sheet is fixed on 24.10. 2025.

Having heard learned counsel appearing on behalf of the petitioner and the State and that the materials collected during investigation against the petitioner prima facie discloses sufficient reason to believe petitioner's involvement with the alleged offence and that investigation is still continuing and the case is pending for filing supplementary charge-sheet, the prayer for bail made by the petitioner is considered and rejected.

Accordingly, CRM (NDPS) 428 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)