

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4844 OF 2024**

Joseph Chinaedam Chukwu @ Jaiz Aloma	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Gorakh Hanumant Liman, *for the Applicant.*
Ms. Anamika Malhotra, *APP for the Respondent-State.*
Mr. N.B.Chavan, *PSI attached to ANC Azad Maidan Unit,*
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 15TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 05 of 2024 dated 16th January 2024 registered with the ANC, Azad Maidan Unit, Mumbai, for the offences punishable under Sections 8(c) read with 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case, as discerned from the FIR, is that, co-accused namely, Firoz Amanulla Sayyed, who is arrested and is yet in custody for possession of 130 grams of Mephedrone ('MD'), disclosed the name of the Applicant to be the person, who is a dealer of the contraband and who, always comes near Q & Q Family Restaurant & Bar, Vasai to supply drugs to customers. Accordingly, the police constituted a raiding party, which went to the said location. As indicated by the co-accused, they found the Applicant standing outside the Q & Q Family Restaurant & Bar in suspicious circumstances. After following due process under the NDPS Act, when the Applicant was searched, 30 grams of MD was recovered from him. Hence, the Applicant was arrested on 18th January 2024.

3. The Applicant made an application seeking bail before the N.D.P.S. Special Judge, City Civil & Sessions Court, Greater Bombay. However, by order dated 17th October 2024, his

application seeking bail came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Gorakh Liman, learned counsel appearing for the Applicant, submitted that save and except the statement of the co-accused, that the Applicant was the drug dealer, there is no material on record to indicate the complicity of the Applicant in the said offence. The Applicant was found with only 30 gms of MD, which is a non-commercial quantity. He submits that there are no statements of any other witnesses pointing towards the Applicant to establish that he was the drug dealer. He also submits that the Applicant is in custody for the past 2 years without even charges being framed. In these circumstances, he submits that the Applicant be released on bail.

5. Ms. Anamika Malhotra, learned APP representing the State in the matter, on the other hand, submits that 130 gms of MD was recovered from the possession of the co-accused, who disclosed that the same was procured by him from the

Applicant. She further submits that the Applicant is a foreign national and he does not have valid passport and visa. She submits that in furtherance of the statement of the co-accused, the Applicant was traced at the Q & Q Family Restaurant & Bar and 30 gms of MD was seized from him. This shows that he is a regular drug dealer as identified and pointed out by the co-accused. She thus, submits that the Applicant being a foreign national, not having a valid passport or visa, it will be difficult to secure his attendance to face the trial. Hence, she prays that the Bail Application be rejected.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the quantity of contraband alleged to have been recovered from the Applicant, is non-commercial. Although, the co-accused found to be in possession of 130 gms of MD, i.e., of commercial quantity, disclosed that he was getting supply of drugs from the Applicant, there is nothing

else on record to support the statement of the co-accused. No other person has been interrogated and found to have stated that being a regular drug dealer, the Applicant also supplied drugs to them. There is neither CDR nor CCTV footage, which show that the Applicant was regularly coming outside the Q & Q Family Restaurant & Bar to distribute drugs for money. In any case, the quantity of contraband recovered from the Applicant is an intermediate quantity; he is in custody since January 2024 and thus, suffered incarceration of about 2 years without charges being framed.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) Since the Applicant is a foreign national, his release shall be subject to production of valid passport and visa. Since passport and visa can be applied online, as informed by the learned Public Prosecutor, the Applicant will have to apply for the same from jail. The Respondent-State authorities shall provide assistance to the Applicant. But it is made clear that without producing valid passport and visa, the Applicant shall not be released on bail.

iii) Upon producing such valid passport and visa, the Applicant shall place copies thereof before the Trial Court.

iv) The Applicant shall register himself on the basis of such valid passport and visa, with the Foreigners Regional Registration Office (FRRO) at Mumbai, within two weeks of his release.

v) The Applicant shall use SIM card for mobile phone that is obtained on the basis of such valid

passport issued in his favour and he shall give the details of such contact number before the Trial Court at the earliest.

vi) The Applicant shall file affidavit before the Trial Court within two weeks of his release on bail, stating the source of his funds and source of his income in this country, giving the details of legal channels including Bank accounts through which he would be operating his finances.

vii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

viii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

ix) The Applicant shall deposit his passport with the Police Station concerned;

x) The Applicant shall not leave India, without the permission of the Trial Court;

xi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

xii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

xiii) The Applicant to co-operate with the conduct of the trial;

xiv) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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