

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4964 OF 2024**

Angel William Menda	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Pranay Saraf i/b Aniket Mukadam, *for the Applicant.*
Ms. Anuja S. Gotad, *APP for the Respondent - State.*
API – Suraj Raut a/w PSI – Khanvilkar, Dindoshi Police
Station, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 03RD DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.323 of 2023 dated 26th April, 2023, registered with the Dindoshi Police Station, for the offences punishable under Sections 8(c), 22, 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. There are in all six accused persons involved in the present crime. The present Applicant is arraigned as Accused No.6. The Applicant was arrested on 2nd November, 2023. Accused Nos.1 to 5 have been enlarged on bail.

3. The facts of the case, in brief, are that while police were on patrolling duty, they apprehended Accused Nos.1 and 2, who were lurking in a suspicious circumstances near the film city gate opposite to the Indira Gandhi Institute, Goregaon East, Mumbai. After following the due process of the NDPS Act, both of them were arrested. On their disclosure statement, Accused Nos.3 and 4 were also arrested. Thereafter, on further investigation, the role of Accused No.5 was ascertained, and accordingly Accused No.5 was arrested. The Accused No.5 informed the police of the involvement of Accused No.6 i.e. the present Applicant. The address of Accused No.6 was shared with the police by Accused No.5, upon which the raiding party proceeded to the address of the present Applicant. When they reached the address of the

present Applicant at Room No.703, Wing 3/A, Suntek City, Naigaon, District Palghar, the Applicant opened the door of the flat. The police officials complied with the statutory provisions of the NDPS Act and searched the premises. The found 100 grams of Mephedrone in a plastic pouch and 4.5 grams of Cocaine stored in the fridge of the said flat. The Applicant was questioned by the police. However, she gave evasive answers and hence she was arrested pursuant to the registration of an FIR.

4. The Applicant has made an Application before the Special Judge N.D.P.S., City Civil & Sessions Court, Greater Bombay, however, by order dated 13th November, 2024, the said Application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

5. Mr. Saraf, learned counsel for the Applicant, submits that the said flat did not belong to the Applicant. She clearly stated to the police that she was residing with her friend Abu John and the said flat was rented by him. He

submitted that the Applicant was not aware of the contraband substance kept in the fridge. He submits that Applicant was arrested on 2nd November, 2023, and till date charges are not framed. He submits that there was non-compliance of Section 42 of the NDPS Act and the sanctity of the search process was also flouted by the police. He thus, prays that the Applicant be released on bail.

6. Per contra, Ms. Gotad, learned APP representing the State, submits that the Applicant has given evasive answers and has refused to divulge the whereabouts of said Abu John. She further submits that Accused No.2, who has been enlarged on bail, is now absconding and it is likely that the present Applicant may abscond and not be present. In these circumstances, she prays that the Application be rejected.

7. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

8. On careful perusal of the record of the case, there is no material on record to establish that the said contraband belongs to the present Applicant. Admittedly, she was residing with said Abu John, whose whereabouts are yet not traced by the investigating agency. Even the rent agreement of the said flat is not filed alongwith the charge-sheet. *Prima facie* there are grounds to believe that the Applicant is not guilty.

9. Ms. Gotad further submits that the Applicant has not surrendered her passport to the authorities, and she being a foreigner, is likely to abscond. At this stage, Mr. Saraf states that he is in possession of Applicant's passport and is ready to surrender it to the police. However, he submits that the passport has expired. In any case, he submits that he is in the process of filing an Application before the Court of competent jurisdiction seeking permission to renew the passport.

10. 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) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned twice a month i.e. on first and third Monday of every month between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;

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

vii) 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;

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

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

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

12. 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)