

Ajay

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

CRIMINAL BAIL APPLICATION NO. 1568 OF 2025

Nkuir Sunday Ogbomma @ Alexa .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Ms. Anjali More a/w. Khushal Parmar, Advocates for Applicant.
 - Ms. Megha S. Bajoria, APP for Respondent – State.
 - Mr. Kishor Desai, Pariavi Dindoshi Police Station present.
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CORAM : MILIND N. JADHAV, J.
DATE : APRIL 21, 2025.

P.C.:

1. Heard Ms. More, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent – State.

2. In the present case, Applicant is a foreign national and arraigned as Accused No.5 in a Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') case and is incarcerated in prison for the past 1 year and 6 months pending trial.

3. Ms. More, learned Advocate for Applicant would submit that there are total 6 Accused persons in the present case. She would submit that Accused Nos.1, 2 and 3 have been enlarged on bail and it is solely on the disclosure statement of Accused No.3 that present Applicant has been apprehended and arrested by prosecution. She

would submit that in the disclosure statement, Accused No.3 has stated that present Applicant is the supplier of the alleged contraband which is confiscated. She would submit that in so far as recovery of any alleged contraband from the possession of Applicant is concerned, it is none. She would submit that case of Applicant is squarely covered by the decision of the Supreme Court in the case of *Tofan Singh Vs. State of Tamil Nadu*¹.

4. Ms. Bajoria, learned APP appearing in the matter is directed by the Court to take cognizance of the aforesaid submissions made by the learned Advocate for Applicant and accordingly apprise the Court on the precise role of Applicant and if it is *prima facie* ascertained that indiction of Applicant is solely on basis of co-accused statements recorded by NDPS Officers in enquiry under Section 67 of NDPS Act, then Applicant has made out a case for grant of bail.

5. List the Bail Application on Board On **30th June 2025** for hearing and disposal.

[MILIND N. JADHAV, J.]

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¹ (2021) 4 SCC 1