

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1568 OF 2025**

Nkuir Sunday Ogbomma @ Alexa	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Khushal Parmar *a/w Anjali More and Sumant More, for the Applicant.*

Ms. Megha Bajoria, *APP for the State-Respondent.*

CORAM Dr. Neela Gokhale, J.
DATED: 25th November 2025

PC:-

1. By this Application, the Applicant seeks her 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’**), Section 12(1) of the Passports Act, 1967 and Section 14 of the Foreigners Act, 1946.

2. The facts of the case in brief are that while the police were on patrolling duty, they apprehended co-accused one Suraj Habib Shaikh from whom 2.33 grams of Mephedrone was recovered. Said Suraj Habib Shaikh disclosed the name of the co-accused, from whom 107 grams of Mephedrone was recovered. This co-accused directed the Investigating Officer to the doorstep of the present Applicant. However, when the police apprehended the Applicant, there was nothing recovered from her possession. The Applicant was arrested on 28th October, 2023.

3. The Applicant made an Application seeking bail before the Special Judge, (N.D.P.S.), City Civil & Sessions Court, Gr. Bombay, however, by order dated 10th March, 2025, the said Application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

4. Mr. Parmar, learned counsel for the Applicant, at the very outset, submits that there was nothing recovered from the Applicant. She was merely arrested on the statement

of the co-accused. He further submits that there is no CDR, Bank transactions nor any text messages on WhatsApp etc., demonstrating her involvement in the present crime. He thus, submits that since the Applicant is in jail since 28th October, 2023 and the charges are not yet framed, the Applicant be released on bail.

5. Ms. Bajoria, learned APP representing the State, submits that as much as 107 grams of Mephedrone was recovered from Accused No.2 and 2.33 grams of Mephedrone was recovered from Accused No.1. She submits that all the three are thus connected; the offence is serious and prays that the Application be rejected.

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

7. Considering that there was nothing recovered from the possession of the Applicant nor has the prosecution

been able to show any conspiracy between the Applicant and co-accused, the present Applicant cannot be indicted merely on the statement of the co-accused, at this stage.

8. *Prima facie* it is unlikely that Applicant has committed the said crime. Ms. Bajoria also fairly concedes that there are no criminal antecedents against the Applicant. In these circumstances, I am of the view that the Applicant is not likely to commit such offence while on bail and that there is no reasonable ground to believe that she has committed the said offence. 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 once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited her 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 her 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.

x) The concerned prosecuting Agency shall immediately communicate this order of grant of bail to the concerned Registration Officer appointed under Rule 3 of the Registration of Foreigners Rules, 1992 within the meaning of the Foreigners Act, 1946. This condition is added in view of the decision of the Supreme Court in the case of *Frank Vitus v. Narcotics Control Bureau & Ors*¹.

1 Criminal Appeal No.2814-2815 of 2024 decided on 06.01.2025.

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)