

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4623 OF 2025**

Nnann Emanuel
Versus
State of Maharashtra

...Applicant

...Respondent

Ms. Ashwinii Achari, *with Taraq Sayed and Anish Pereira, for the Applicant.*
Ms. Manisha R. Tidke, *APP for the Respondent-State.*
Mr. Sopan Wadkar, *PSI (Pairavi) attached to Sakinaka Police Station, Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 11TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 487 of 2024 dated 23rd June 2024 registered with the Sakinaka Police Station, Brihanmumbai City for the offences punishable under Sections 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 14 of the Foreigners Act, 1946.

2. Admittedly, quantity of contraband recovered from the Applicant is 9.88 grams of cocaine. The Applicant is arrested on 23rd June 2024 and is in custody for past one and half years. Charge is framed in November 2025. However, recording of evidence has not commenced. Since the quantity of cocaine/contraband is of non-commercial quantity, bar under Section 37 of the NPDS Act is not attracted.

3. Ms. Manisha Tidke, learned APP representing the State in the matter, however, submits that the passport and visa in respect of the Applicant, has expired while he was in custody and if he is released on bail, it will be difficult to secure his presence for conduct of the trial. To this, Ms. Ashwinii Achari, learned counsel for the Applicant, has placed before me an order dated 24th March 2023 passed by the Co-ordinate Bench of this Court. Vide the said order, this Court in similar circumstances, released the accused on bail subject to the condition that the Applicant will produce valid passport and visa prior to his release.

4. I have heard parties and perused the record with their assistance.

5. Admittedly, quantity of contraband recovered from the Applicant is of intermediate quantity. The Trial Court by its order dated 19th May 2025 rejected the Bail Application of the Applicant only on the ground that he is a foreigner and although his passport is seized, his visa has expired and thus, it will be difficult to secure his presence during the Trial. In my view, since the quantity of contraband recovered from the Applicant is of intermediate quantity and there is no material to establish any other overt act by the Applicant, he can be released on bail on a similar condition, as imposed by the co-ordinate bench of this Court, in a case involving similar facts, that this bail order will take effect, subject to the condition that the Applicant produces his passport and valid visa before the Authorities.

6. In these circumstances, I am inclined to enlarge the Applicant on bail. Hence, the following order is passed:

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 release of the Applicant 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 not leave India, without the permission of the Trial Court;

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

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

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

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

8. 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)