

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2284 OF 2025
IN
CRIMINAL APPEAL NO. 665 OF 2025

Godwin Ajah Chukwu

... Applicant

versus

The State of Maharashtra

.... Respondent

.....

Mr. Khushal Parmar a/w. Ms. Anjali R. More, Advocates for the Applicant.
Mr. Ashok Gawai, APP for the Respondent-State.
PSI – Gopinath Kendre, Malvani Police Station present.

CORAM : R. M. JOSHI, J.

DATE : 11th NOVEMBER, 2025.

P.C. :

1. This application is for suspension of sentence and enlargement of the appellant on bail in respect of Judgment and Order dated 28.05.2025 passed in N.D.P.S. Special Case No. 403 of 2022 whereby the appellant is sentenced to suffer 5 years imprisonment with fine.

2. At the outset, learned counsel for the appellant has stated that the appellant has been acquitted from the offences punishable under Section 8(c) read with 21(c) and 29 of the Narcotics and Psychotropic substance Act, 1985 (for short “NDPS Act”) and that there is no challenge to the said acquittal by the prosecution. It is his submission that out of 5

years of imprisonment, the appellant has already undergone sentence of 4 years and a month. He therefore seeks enlargement of appellant on bail. It is also argued on behalf of appellant that appellant has no criminal history and is not likely to free from justice as his passport has been confiscated by the order of the Trial Court.

3. Learned APP opposed the application citing possibility of the appellant fleeing from India. Learned APP on instructions confirms the facts of the seizure of the passport of the appellant pursuant to the order passed by the Trial Court.

4. There is no dispute about the fact that the appellant is acquitted for the offences punishable under Section NDPS Act. This acquittal has not been challenged by the prosecution. The appellant is sentenced to suffer 5 years imprisonment out of which he has already undergone sentence of 4 years and a month. There is further no dispute about the fact that the passport of the appellant is seized pursuant to the order of the Trial Court. In view of the same, the apprehension of the prosecution of appellant fleeing from justice is not tenable.

5. Having regard to the aforestated facts, following order:

ORDER

- i. The application stands allowed.
- ii. The substantive sentence imposed against the accused

by the impugned Judgment and Order dated 28.05.2025 passed in Spl. NDPS Case No. 403 of 2022 stands suspended.

- iii. The appellant be enlarged on bail on furnishing P.R.Bond of Rs.15,000/- with one surety in the like amount.
- iv. The passport of the appellant be retained by the Trial Court till decision of the appeal.

6. The application stands disposed of.

(R. M. JOSHI, J.)

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