



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 68 OF 2026

STATE, THR. I.O./P.S.I.

... PETITIONER

~ VERSUS ~

EBUKA CHIUBA OBIEKWE

... RESPONDENT

APPEARANCES:

for the Petitioner

***Mr. Pravin Faldessai, Deputy Solicitor
General of India with Ms. Swizel Falcao***

CORAM : AMIT S. JAMSANDEKAR, J.

DATED : 9th APRIL 2026

P.C:

1. Registry to waive all the office objections, if any, and register the matter.
2. Heard Mr. Faldessai, Learned Deputy Solicitor General of India on behalf of the Petitioner. Perused the record.

3. The bail granted by the District Court to the Respondent is mainly on the ground that the quantity in possession of the Accused is variable and very small. The impugned order is challenged on the ground that some of the findings given by the Learned Judge are contrary to the settled principles of law. I find that the observation in paragraph 11 of the impugned order needs to be expunged from the impugned order, as it is a vague finding. It appears that the Learned Judge wanted to express the findings to the effect that the quantity of the drug found in the possession of the Accused was very small. Therefore, the following findings in the impugned order at paragraph 11 are expunged from the impugned order:-

“11. When the legislature has consciously used the word 'commercial' in section 37 of the NDPS Act, it simply suggests that bail can be granted in case of variable and small quantity.”

4. I find that the rest of the order is in consonance with the settled principles of law. Accordingly, the observations made by the Learned Judge in para 11 of the impugned order are set aside and prayer clause (1) is granted only to that extent. The impugned order is of 13.08.2024, by which the bail was granted to the Respondent. Hence, at this stage, prayer clause (2) cannot be considered.

5. The **Petition stands disposed of** in the above terms.

6. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on
production by fax or email of a digitally signed copy of this
order.

[AMIT S. JAMSANDEKAR, J.]