HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.822 OF 2026

Chukwuemeka Kennedy Anyakora .. Applicant

Versus

The State of Maharashtra .. Respondent

.....

- Mr. Kunal Aher a/w. Mr. Gaurish Satpur, Advocates for Applicant.
- Mr. Amit A. Palkar, APP for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P.C.:

1. Mentioned out of turn at the time of rising of the Court.

2. Heard Mr. Aher, learned Advocate for Applicant and Mr. Palkar, learned APP for Respondent.

3. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.329 of 2022 registered with Chaturshringi Police Station for offences punishable under Sections 8(c), 22(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances; 1985.

4. Applicant is a foreign national and implicated as Accused No.1 in the present crime for having found in possession of 82 grams of Mephedrone which is chance recovery by the patrolling team. The Applicant is in custody pending trial for the past more than 4 years and 3 months and this is the sole ground of long incarceration pending trial

which impels me to consider the case of the Applicant for releasing him on bail. The trial has not commenced and the co-accused with the Applicant has been enlarged on bail who was also found alongwith the Applicant with the alleged contraband. In that view of the matter without giving any opinion on merits of the matter, the Applicant is allowed to bail on the above twin grounds.

5. Considering the aforesaid, Applicant is released on bail subject to following conditions:-

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 329 of 2022;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand Only) with one or two sureties in the like amount. It is clarified that no bail bond in respect of an accused of a non-bailable offence who is a foreign national such as in the present case, shall be executed by a Licensed Professional Bail Bondspersons save with the express permission of the concerned Court accepting bail and surety bond. This condition is added in view of the decision of the Supreme Court in the case of Union of India v. ***Chidiebere Kingsley Nawchara &***

Ors.[1];

(iii) Applicant shall report to the Investigating Officer at the concerned Police Station, once every month on the first Monday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the Country without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable;

(viii) Applicant shall surrender his Passport with the Investigating Officer of the concerned Police Station; and

(ix) Any infraction of the conditions shall entail cancellation

1 SLIP (Cri) No.(s). 14185 of 2025

of bail granted to the Applicant;

(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.***[2]

6. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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

HARSHADA HANUMANT SAWANT
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