

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.326 OF 2026

Mike Okacha	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Vinod Chauhan, for the Applicant.
Ms. Anuja S. Gotad, APP for the Respondent - State.
PSI – Pravin Anil Jagtap, Nava Nagar Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 30TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 494 of 2024 dated 1st December, 2024, registered with the Naya Nagar Police Station, for the offences punishable under Sections 21(c) read with Section 8(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**').

2. The case of the prosecution, in brief, is that on 30th January, 2024, while on patrolling duty, officials of the Naya Nagar Police Station stumbled upon two persons loitering in

suspicious circumstances on a footpath in front of Mohini Shantinagar Co-op. Housing Society, Sector-10. The said persons were carrying white plastic bags in their hands and appeared to be waiting for somebody. The police being apprehensive of their motives, approached the said persons. On noticing the police approach them, the said two persons attempted to flee but were intercepted. On enquiry regarding their identity, they gave evasive answers. The police, thus, called panchas, introduced themselves, and identified themselves to be police officials to the said persons. One of the persons was the Applicant, and other was the co-accused. Both are residents of Nigeria. The police officials complied with the mandatory provisions of the NDPS Act. Upon conducting personal search of the Applicant, one plastic zip-lock pouch containing white powder was recovered. The white powder was identified to be Cocaine and weighed 80.6 grams. Similarly, upon personal search of the co-accused, 78.6 grams of Cocaine was recovered. The contraband was seized,

and the accused were arrested pursuant to the registration of the FIR.

3. The Applicant made an application seeking bail before the Special Judge (NDPS) Thane, however, by order dated 16th September, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Chauhan, learned counsel for the Applicant, submits that this is a case of false implication. It is contended that no field test was conducted to ascertain the nature of the alleged contraband. He further submits that the quantity of contraband recovered from him does not fall within the category of commercial quantity. He further submits that there is a discrepancy in recording of the Applicant's signature on the label, as reflected in panchanama and that recorded in the case diary maintained at the police station. He thus, submits that the Applicant be released on bail.

5. Ms. Gotad, learned APP representing the State, resists the Bail Application. She submits that even though the contraband seized from the Applicant is not of commercial quantity, the offence is serious in nature and the Applicant is the distributor of the contraband. She further submits that there is reason to believe that the Applicant has committed the alleged offence, as the contraband was recovered from his person. She therefore prays that the Bail Application be rejected. However, she fairly concedes that the Applicant has no criminal antecedents.

6. It is pertinent to note that although the charges have been framed, compliance under Section 330 of the BNSS is yet to be completed. In these circumstances, it is unlikely that the trial will conclude in the near foreseeable future.

7. Considering that the Applicant is in custody since 1st December, 2024, that the contraband recovered from him is not of commercial quantity, and that there are no criminal

antecedents against him, 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) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- iv) The Applicant shall not leave India, without the permission of the Trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his 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;

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

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

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

9. 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)