

MHRG170005072025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE PANVEL
ORDER BELOW EXHIBIT 4 IN SPECIAL (NDPS) CASE NO.58/2025
(Date 10/02/2026)

The applicant/accused Jeorge Fofana has filed present application for regular bail u/sec.483 of the BNSS, 2023 in C.R. No.197/2024 registered with Nhava Sheva Police Station for the offences punishable u/sec.8(C), 21(C) and 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2] In short the prosecution case is that, on 13/12/2024 specific information was received by informant police constable Laxman Dasu Pawar and other police personnel that one African National staying in room No.203 in Shri Samarth Society is possessing Cocaine contraband. Pursuant to said information, raid was conducted and the applicant came to be apprehended. He found in his possession 149.34 gms of Cocaine and 151.14 gms of Mephadrone. After completing all the necessary formalities as envisaged under NDPS Act, the informant lodged detailed report with Nhava Sheva police station against the applicant. On the basis of report so lodged by informant, an offence came to be registered vide C.R.No.197/2024 under above mention sections.

3] Heard Ld. Advocate Shri. Ankit Bangera for the applicant and learned Special PP Shri.Y. S. Bhopi for the opponent State.

Perused application and say filed by opponent State vide Exh.5 and other documents placed on record.

4] Shri Bangera vehemently argued that the applicant is innocent. He has not committed any offence as alleged in the FIR. The applicant is no way concerned with the alleged offence. Shri Bangera further argued that there is no compliance of mandatory provisions of sections 42 and 50 of the NDPS Act. Therefore it cannot be reasonably said that the applicant has committed the alleged offence. Shri Bangera further argued that the investigation with regard to crime in question is complete and charge-sheet has been filed in Special Court. The applicant is languishing in jail since 13/12/2024. He has no criminal antecedents. The applicant is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Shri. Bangera prayed that the applicant be enlarged on bail.

5] In order to substantiate his submissions, Shri Bangera relied upon the following Judgments

1. Sunday Eziko Ezagwu Vs. State of Maharashtra, Bail Application 3318 of 2023.
2. Shri Suresh Somraju Ali Vs. The State of Maharashtra, Criminal Application No.143 of 2011.

6] Per contra, Shri.Bhopi the Ld.Special PP submitted that the offence is serious and antisocial. The applicant was found in conscious possession of 149.34 gms of Cocaine and 151.14 gms of

Mephadrone which is more than commercial quantity. Further Shri Bhopi submitted that the applicant is foreign national. Considering the aforesaid circumstances, if applicant is enlarged on bail, definitely he will flee away from the course of justice and it will be difficult to secure his presence at the time of trial. Hence, Shri Bhopi prayed that the application be rejected.

7] I have given thoughtful consideration to the submissions advanced by both the Ld. Advocates. I have also gone through the papers available on record. On appraisal of papers, it appears that 149.34 gms of Cocaine and 151.14 gms of Mephadrone was recovered from the applicant. The said quantity of contraband is more than commercial quantity. Therefore, the rigors of section 37 of the NDPS Act will be attracted to the present case. So far as the contention raised by Shri Bangera with regard to non-compliance of provisions laid down in Section 42 of NDPS Act is concerned, the same shall be considered at the time of trial. Considering the aforesaid aspects and gravity of the crime in question, I am not inclined to extend the relief of regular bail to applicant. Resultantly, I pass the following order.

ORDER

1. The application stands rejected.
2. Copy of order be sent to jail authority by E-mail.

Panvel
Date :- 10/02/2026

(S. R. Ugale)
Additional Sessions Judge,
Panvel.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer : Smita Jayant Sheth (Grade
1)
Name of the Court : Additional Sessions
Judge, Panvel Raigad
Date of dictation (direct) : 10/02/2026
Order checked and signed by
the P.O.on : 04/03/2026
Order uploaded on (by S.J.Sheth) : 04/03/2026