

MHRG170013312025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD
ORDER BELOW EXHIBIT 5 IN SPECIAL CASE NO.166/2025
(Dated 02/01/2026)

The applicant Nzekwesu Augustine has filed present application for regular bail under section 483 of the BNSS, 2023 in C.R.No. 19/2025 registered with Nhava Sheva Police Station for offences p/u/secs.8(c), 21(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, u/sec.6(1)(2), of the Passport Act and u./sec.14 A of the Foreign National Act.

2. In short the prosecution case is that on 13/02/2025 at about 05.00 a.m. as per order of Commissioner of Police, Navi Mumbai a combing operation had been initiated to identify and take legal action against African citizens who were residing illegally within the limits of Navi Mumbai. The officers of Nhava Sheva police station arranged two independent panch witnesses for said operation. Approximately at about 06.30 a.m. the police conducted raid at room No.405 of Gaurishankar Co-Op Housing Society, Plot No.52, Sec.17. The door of said flat was closed. When police rang the bell of said flat an African person opened the door. Thereafter police introduced themselves and displayed their identity cards and explained the purpose of coming to said

place in English language. When police asked said person his name, he disclosed his name as Nzekwesu Augustine i.e. the present applicant. When police asked him about his passport and valid visa, the applicant gave evasive answers and failed to produce any valid documents. The police thereafter took physical search of applicant as well as search of said place. In said search one plastic bag containing white powder was found in kitchen. Weight of said bag was 118.48 gms. The said white powder was Cocaine. The police also found one more plastic bag containing white powder on the top of air conditioner installed in bedroom. The weight of said bag was 100.84 gms. The said white powder was Mephadrone. The police also found cash of Rs.43,500/- in the cupboard and digital weighing scale in living area. When police asked the applicant about the said white powder, he disclosed that said white powder was Cocaine and Mephadrone. Thereafter all necessary formalities envisaged under NDPS Act were completed. The informant police hawaldar Uttam Bhausahab Lokhande thereafter lodged detailed report with Nhava Shecva police station. On the basis of report so lodged, an offence came to be registered vide C.R.No.19/2025 at Nhava Sheva police station under above mentioned sections.

3. Heard Ld. Adv. Smt. Aarti Khushwah for the applicant and Ld. Spl PP Shri Vajid Shaikh for the opponent State. Perused application and say filed by opponent State at Exh.8.

4. Smt. Khushwah argued that the applicant is innocent. He has no nexus with the crime in question. The applicant has no concern with the flat wherein alleged contraband was found. There is no documentary evidence on record to show that applicant was residing in said flat. Smt. Khushwah further argued that, chemical analyzer's report is not placed on record. Therefore it cannot be said that the white powder seized from the flat in question is Cocaine or Mephadrone. Smt. Khushwah further argued that, the investigation is complete and charge-sheet has been filed in the Court. Since 13/02/2025 the applicant is languishing in jail. Considering aforesaid circumstances, his further detention in jail is not required. The applicant is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Smt. Khushwah prayed that the applicant be released on bail.

5. Per contra, Ld.Spl. PP Shri Shaikh submitted that, the offence serious and antisocial. The applicant was found in conscious possession of 118.48 gms Cocaine and 100.84 gms of Mephadrone. The said quantities are more than commercial quantity. Further it is submitted by Shri Shaikh that, the applicant is foreign national. Considering the aforesaid circumstances and allegations leveled against applicant, if he is enlarged on bail, definitely he will indulge again in similar kind of offence. The possibility of his jumping the bail also cannot be ruled out. Hence, it is prayed by Shri. Shaikh that, the application be rejected.

6. I have given thoughtful consideration to the submissions advanced by both Ld. Advocates. I have also gone through the material placed on record. On appraisal of papers it seems that, 118.48 gms Cocain and 100.84 gms of Mephadrone was recovered at the instance of applicant and co-accused. The said quantity of contraband is more than commercial quantity. Therefore rigors of section 37 of NDPS Act will be applicable to present case. No doubt the CA report is awaited. However, from papers it clearly seems that when police inquired with applicant, he disclosed that, the white powder which was seized from the flat in question was Cocaine and Mephadrone. Considering the aforesaid aspects and role attributed to applicant, in my view, he is not entitled to be enlarged on bail. The possibility of applicant jumping the bail cannot be ruled out. Hence, 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 :-02/01/2026.

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

CERTIFICATE

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

Name of Stenographer : S.J Sheth Steno(Grade-1)
Name of Court : District Court-1 & Additional
Sessions Court, Panvel
Date of Dictation (direct) : 02/01/2026
Order signed by the PO on : 12/01/2026
Order uploaded on : 12/01/2026