

MHRG170019742023	Special (NDPS) Case No. 212/2023
	State of Maharashtra ... Prosecution
	Vs.
	Nishar Mohammad Shaikh and Other ... Accused

ORDER BELOW EXH. 34

1] This is an application filed by applicant/ **accused No. 2 Okechukulu Okeke Linus @ Oke Patrick Chibuzo @ Obama** under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short “BNSS”) for grant of bail.

2] I.O. has filed say to this application at Exh.34 and thereby strongly opposed the application.

3] Perused application, say thereon and documents produced on the record. Heard both sides.

4] Applicant/Accused No. 2 was arrested on 07/08/2023 and he was remanded in judicial custody. The accused is charge-sheeted for the offences punishable under Sections 8(c), 22(b), 29 of the Narcotic Drugs and Psychotropic Substances Act 1985.

5] Ld. Advocate for applicant/accused No.2 submitted that applicant is not concerned with the alleged offence. The applicant has been falsely implicated in the case. Investigation is completed and charge-sheet is filed. The applicant was arrested only on suspicious ground. The applicant is innocent and has not committed any offence as alleged. Applicant is ready to obey any conditions to be imposed by the Court.

6] Ld. Addl. P. P. Shri. Rajendra Yerunkar submitted that the applicant has antecedents of offence of similar nature. Applicant is Nigerian citizen. If applicant is released on bail, he would not be available for the trial. Though charge-sheet is filed, considering the nature and gravity of the offence it is not proper to release the applicant on bail. If applicant is released on bail, there is possibility of repetition of crime. Hence, prosecution prayed for rejection of bail.

7] Perused application, say and record of the case. Informant Police Constable Ganesh Pawar attached to Anti-Narcotic Cell, Crime Branch Navi Mumbai received secret information on 10/07/2023 that at about 1.45 to 2.00p.m. one person is coming with Mephedrone (MD) for sale in front of Benzer Lee Lock of society, Sector 34-B, Kharghar, Navi Mumbai. Accordingly, as per order of Assistant Commissioner of Police, Crime Branch Navi Mumbai team consisting of Informant PSI Kuldeep More, PSI Shinge, PHC Tayade, PC Lokhande, driver PHC Ahire and other police along with two panch witnesses had reached near Benzer Lee Lock of society at about 1.25p.m. and trap was arranged. At about 1.55p.m., one suspicious person as per the description provided in the secrete information came in front of Benzer Lee Lock of society and he was standing on the road. Thereafter, he was surrounded and apprehended by raiding party police. He was explained the purpose of raid. Notice under Section 50 of the NDPS act was served upon. He was apprised

his right to be searched before Gazetted officer or nearest Magistrate. However, he acknowledged the said notice and waived his right. On his personal search he was found in possession one transparent plastic bag containing creamish colour substance in powder and crystal form. His name was Nishar Mohammad Shaikh. He told that the said substance is Methaqualone. The substance was weighed on electronic weighing machine. It was found to be 53.56gram along with plastic bag. The substance was tested with field testing kit. It was found to be contraband Methaqualone. Therefore, the informant lodged report to police station.

8] As per the Gazette Notification issued by the Government of India, Methaqualone is contraband substance. The commercial quantity of Methaqualone is 500grams and in the present case, contraband weighing 53.56 grams has been recovered, which is intermediate quantity. Hence, rigors of the provisions of Section 37 of NDPS Act is not applicable. Moreover, the alleged contraband was not seized from the possession of the present applicant. It is alleged that the applicant is supplier of contraband. Co-accused obtained seized contraband from the present applicant at the instance of co-accused Atik Chaudhari.

9] Now, the charge-sheet has been filed. Bail was granted to the co-accused. Applicant is behind the bar since 07/08/2023. Hence, further detention of the accused No.2/applicant would not serve purpose of justice. Under these circumstances, I am

inclined to grant bail. As a result, I proceed to pass following order.

:: ORDER ::

1. Bail application (Exh.34) is allowed.
2. Applicant/accused No.2- **Okechukulu Okeke Linus @ Oke Patrick Chibuzo @ Obama** be released on bail on furnishing P.B. and S.B. of Rs.50,000/-(Rupees Fifty Thousands Only) with one or two surety in like amount in C.R. No.241/2023 registered at Kharghar Police Station for offences punishable under Section 8(c), 22(b), 29 of the Narcotic Drugs and Psychotropic Substances Act 1985.
3. If applicant is unable to furnish surety he is permitted to deposit cash security amount of Rs.50,000/-(Rupees Fifty Thousand Only).
4. The applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer.
5. Inform the concerned police station and jail authority, accordingly.

Panvel,
Dated :- 10/03/2026

(S. R. Chavan)
Addl. Sessions Judge
Panvel, Dist.-Raigad