

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-BA-25-2020**

Uche Joy Okafor ... Applicant

Versus

State of Goa & Anr. ... Respondents

Shri T. George John, Advocate for the Applicant.

Shri G. Nagvekar, Additional Public Prosecutor for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 10th September 2020****ORAL ORDER:**

The applicant is the accused in Crime No.24/2020 before Anjuna Police Station, for the alleged offence under Section 21(b) of the NDPS Act. He was arrested on 11.02.2020 and remanded in judicial custody. He has been in jail ever since.

2. Earlier, the applicant filed a regular bail application before the Court of Sessions at Panaji but could not succeed. The bail application was dismissed on 17.03.2020. Now, he has come before this Court.

3. Admittedly, the quantity allegedly recovered from the applicant is variable: 6.2 gms of Cocaine. The only factor that has weighed with the trial Court, as it may with this Court, is that the applicant, who is of foreigner, has no valid travel documents.

4. In fact, for his not having valid travel documents, the applicant has already been charged with an offence in Crime No.83/2016. In that case, the trial Court already granted bail to him, though.

5. When the applicant has been granted bail for the predicate offence that cannot be a vitiating factor when we consider his bail application in some other crime. In the other crime, the applicant's not possessing travel documents is only collateral. That said, whatever be the gravity of the offence, the applicant should stand trial. For that purpose,

his presence ought to be ensured. The travel documents, the permanent residence, the applicant's standing in the society, and so on assume importance in that context.

Under these circumstances, I allow this application subject to the following conditions:

ORDER

- (i) The application of bail is allowed.
- (ii) The applicant should produce before the police Rent Agreement for the next eleven months he has entered into with his landlord or landlady.
- (iii) The applicant is directed to be released on bail on his executing a P.R. Bond for Rs.50,000/-, besides his furnishing one surety for the like sum, to the satisfaction of the Additional Sessions Judge, Mapusa.
- (iv) The applicant should not leave the State of Goa, without the trial Court's prior permission.
- (v) Whenever the applicant changes his address, he should inform the police accordingly.
- (vi) The applicant should attend the jurisdictional police station once in fifteen days and mark his presence.
- (vii) The applicant shall attend the hearing of the case on the dates the trial Court fixes.
- (viii) The applicant shall not influence, induce, threaten, or coerce the witnesses; nor should he abuse the process.

(ix) The applicant's failure to abide by these conditions will entail the prosecution to apply for the cancellation of bail now granted to the applicant.

(x) The Bail Application stands disposed of.

DAMA SESHADRI NAIDU, J.

NH