ITEM NO.4 COURT NO.12 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).14185/2025

[Arising out of impugned final judgment and order dated 05-05-2025 in CRBA No.4139/2024 passed by the High Court of Judicature at Bombay]

UNION OF INDIA PETITIONER(S)

VERSUS

CHIDIEBERE KINGSLEY NAWCHARA & ANR. RESPONDENT(S)

[TO BE TAKEN UP AS FIRST ITEM]
IA No. 215580/2025 - CONDONATION OF DELAY IN FILING

Date : 18-11-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :
Mr. Tushar Mehta, Solicitor General (not present)
Mr. S.V. Raju, A.S.G.
Mr. S Dwarakanath, A.S.G.
Ms. Nisha Bagchi, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Padmesh Mishra, Adv.
Mr. Bhuvan Kapoor, Adv.
Ms. Munisha Anand, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Rajat Vaishnaw, Adv.
Mr. Abhyudey Kabra, Adv.
Mr. S. Vijay Adithya, Adv.
Mr. Mudit Bansal, Adv.

For Respondent(s) :
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.

Upon hearing the counsel the Court made the following

O R D E R

1. As per prosecution, a huge quantity of 4935 grams of heroin (approximately 4.9 Kg.) was recovered from the conscious possession of the accused who named the present respondent no.1 to be an accomplice. This resulted into the registration of FIR bearing Crime No.37/23 with Directorate of Revenue Intelligence. The High Court of Judicature at Bombay, *vide* impugned order dated 05.05.2025 granted bail to the present respondent no.1 (referred to as the accused) on two grounds, primarily having suffered "*long incarceration*" of a period of 2 years and 2 months.

2. In the instant appeal preferred by the Union of India we had issued notice but service upon the accused could not be effected. As such, on 19.09.2025 while staying the operation of the impugned order we had directed the DGP, State of Maharashtra, to immediately take steps for arresting the accused and if required issue a look-out notices. It is a matter of record that the accused is not traceable and as such on 31.10.2025, we had *inter alia* directed as follows:

> "2. We are informed that, at this point in time, a lookout notice has been issued. An endeavour shall also be made to get in touch with the sureties and the Office of the Foreigners Regional Registration Office (FRRO) for ascertaining the location of respondent no.1, and for taking him to custody. Also, steps shall be taken for action against the sureties"

3. In response thereto, the petitioner filed an affidavit. We have perused the said affidavit dated 13.11.2025, filed by Sri Kumar Ambrish, Deputy Director, DRI, Mumbai Zonal Unit. Paragraph nos.2.8, 2.9, 2.10 and 2.13 thereof reads as under:

> "2.8. As the accused was not traceable, details of the Surety have also been verified and found to be non-existent. The DRI officers visited the address provided by the surety - Shri Sushil Balkrushna Jadhav, Room No 516, Gangabai Mansion, Parel, Mumbai, on 31.10.2025 (Annexed hereto and marked as Annexure A12 - pg. 29-31), and the same was found to be non-existent. The residents and members of the society also stated that they are not aware of any person by name Shri Sushil Balkrushna Jadhav, associated with the said premises i.e. Gangabai Mansion.
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> 2.9. Further, DRI officers visited the office premises of M/s Emkay Global Financial Services Ltd., which the surety, Shri Sushil Balkrushna Jadhav had declared as his employer firm. M/s Emkay Global Financial Services Ltd., vide its letter dated 06.11.2025 (Annexed hereto and marked as Annexure A13 pg. 32), categorically stated that no such person was ever employed in their office.
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> 2.10. As the Surety, Shri Sushil Balkrushna Jadhav, had provided his bank account details in the Surety Bond, the Petitioner, vide letter dated 10.11.2025 (Annexed hereto and marked as Annexure A14 pg. 33), approached the concerned IDBI Bank, Parel Branch, Mumbai, seeking KYC details, the account opening form, and other related information available with the bank. The Bank, vide e-mail dated 12.11.2025 (Annexed hereto and marked as Annexure A15-pg. 34-40), informed that no such account exists with them either in the name of Shri Sushil Balkrushna Jadhav, or with said PAN or Aadhar number, and that the customer ID

> number mentioned belongs to some other customer of a different branch.
>
> … … …
>
> 2.13. As the Surety could not be traced and the address provided was found to be incomplete or non-existent, the Petitioner, vide application dated 12.11.2025 (Annexed hereto and marked as Annexure A19 pg. 46-50) has approached the Trial Court seeking issuance of notice to Surety Shri Sushil Balkrushna Jadhav and forfeiture of the surety bond furnished by him under the provisions of Form 50 read with Section 491 of BNSS, cancellation of bond under section 492 of BNSS, and issuance of a non-bailable warrant to secure his presence before the Court. Furthermore, the Petitioner has also sought the Court's permission to ask the advocate who had identified the Surety and signed on the surety papers, about the identity, address, credentials, and whereabouts of the surety."

4. The affidavit brings to light yet another serious issue concerning the manner in which Courts are accepting sureties, more particularly, in cases involving heinous offences. It has been brought to our notice by the learned Additional Solicitor General that in at least 38 cases investigated by the Narcotics Control Bureau (NCB) and in 9 cases investigated by the Directorate of Revenue Intelligence (DRI), foreign nationals, particularly from Nigeria and Nepal, have absconded, after furnishing sureties which were later found to be fake.

5. The problem of impersonation by sureties appears to be rampant in certain States. Whether the surety module prepared by the National Informatics Centre for Trial Courts in India is functional and operational, and what

other mechanism exists for verification of the genuineness of sureties, are issues which, in our considered view, require a comprehensive examination.

6. In this background, we implead the Unique Identification Authority of India (UIDAI) as a party respondent to the instant petition. Mr. Gurmeet Singh Makker, learned counsel, accepts notice on behalf of UIDAI; hence, the formal service of notice is waived.

7. We also implead the following person, who had initially represented the accused and is stated to have furnished the surety papers:

> "Mr. Nasima Damani Battiwala, Al-Akbar Palm Villa Compound, Kalina Masjid Road, Kalina, Vidyanagari, Opp Bright Apt, Santacruz, East Mumbai – 400098."

The Registry is directed to modify the cause title accordingly.

8. Issue notice to the aforesaid newly impleaded person, returnable on 17.12.2025. Notice shall be served through the concerned Senior Superintendent of Police (SSP).

9. Before issuing any further directions, we call upon the concerned Trial Court Judge (Mr. V.M. Sundale, learned Additional Sessions Judge, Mumbai) to furnish a detailed report relating to the acceptance of sureties in the present case, including the steps taken by him for complying with the statutory requirements. Such a report shall be submitted within a period of two weeks from today.

10. The Registrar (Judicial)/(Listing) of this Court shall

immediately communicate this order through the concerned Registrar(General) of the High Court to the concerned Trial Court Judge, for strict compliance.

11. The officers/officials who are present before this Court today are exempted from further appearance unless so directed otherwise.

12. Learned counsel for the parties are requested to place their written submissions on record on all relevant issues.

13. List the matter on 17.12.2025.

(D. NAVEEN)	**(ANU BHALLA)**
COURT MASTER (SH)	**COURT MASTER (NSH)**