

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 472 OF 2015**

Arvind Nemji Bharati	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ganesh Gole for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

TUESDAY, 21ST APRIL, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R No. 458 of 2014 registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 328 and 34 of the Indian Penal Code and under Sections 18(A), 27(B), 28 of the Drugs and Cosmetics Act, 1940.

3. The complaint has been registered at the instance of the PSI Pandurang Jadhav, who was attached to the Nehru Nagar Police Station. It is alleged that on 30th October, 2014, information was received that there was illegal stocking of drugs at a residential premises and that there was an illegal sale of drugs by the occupant of the said premises. Pursuant to the said information, a bogus customer was sent to the said premises for purchasing two bottles of Rexcof Cough Syrup. According to the prosecution, pursuant to the same, raid was conducted and the co-accused Nizamuddin Suleman was apprehended at the spot and that 50 bottles of Rexcof Cough Syrup were found from his residence. According to the prosecution, consumption of this cough syrup in excess quantity is allegedly stupefying substance, resulting in death.

4. The learned Counsel for the applicant submits that there is no material as against the present applicant. He submits that the name of the present applicant was disclosed in the statement of the co-accused. Learned A.P.P. does not dispute the said submission.

5. Considering the fact that apart from the statement of the co-accused, there is no material against the applicant, the applicant be enlarged on bail, on the following conditions:

ORDER

- (i) The applicant Arvind Nemji Bharati be released on bail in connection with C.R No. 458 of 2014 registered with Shivaji Nagar Police Station, Mumbai, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend Shivaji Nagar Police Station once in a month on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper or attempt to contact any witness concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the Shivaji Nagar Police Station;

(v) The applicant to cooperate with the conduct of the trial.

6. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.