

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 322 OF 2018

Moiz Shabbir LokhandwalaApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. Taraq Sayed for the Applicant.

Mr. Ameet Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 5th JULY, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. II-71 of 2017 dated 19th May, 2017 registered with Wagale Estate Police Station, District Thane under Sections 8(C) read with Sections 22 and 29 of the NDPS Act, now culminated into NDPS Case No. 82 of 2017.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

3 The prosecution case in brief is that, on receipt of a secrete information, the Investigating Agency laid trap on 18th May, 2017, at about 10.30 p.m. near Smt. Savitribai Khetale Udyan of Thane Municipal Corporation, in Wagale Estate, Thane and accosted accused No.1 Jamir @ Javva Nurul Islam Shaikh and accused No.2 Mobin

Nizamuddin Ansari. In their personal search, contraband i.e. psychotropic substance namely Mephedrone (M.D.) weighing about 115 grams was found. That, during the course of interrogation of the said two persons, they gave a statement that they procure the said contraband through Accused No.3 Shahrukh Khan and the present Applicant.

During the course of investigation, the Applicant (Accused No.4), came to be arrested on 19th July, 2017 in the present crime. After completion of investigation, the police have submitted the charge-sheet.

4 The record indicates that, the Applicant was in judicial custody in CR No. 59 of 2017, since 6th July, 2017 and his custody in the present crime was taken by the present Investigating Agency on 19th July, 2017. The only material available against the Applicant in the present crime is the statement made by the co-accused during the course of custodial interrogation by the police that, accused Nos. 1 and 2 had procured the said contraband from the Applicant and the accused No.3. There is no other corroboration to the said statement at all on record.

5 In view thereof, the Applicant is entitled to be released on

bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. II-71 of 2017 dated 19th May, 2017 registered with Wagale Estate Police Station, District Thane, now culminated into NDPS Case No. 82 of 2017, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend the concerned Investigating Officer initially on every alternate Monday for six months and thereafter, on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)