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

BAIL APPLICATION NO.1141 OF 2017

Mobin Ahmed Shaikh

... Applicant

V/s.

The State of Maharashtra .

...Respondent

Mr. Ayaz Khan a/w Dilip Mishra for Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 20th FEBRUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in Sessions Case No.399 of 2015 arising out of CR No.II-07 of 2016 dated 19.05.2016 for violation of offences punishable under Section 8(c) read with Sections 22, 27(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S. Act) registered with Wada Police Station, District Palghar.

2] Heard the learned Counsel for the applicant and the learned APP.

3] The prosecution case in nutshell is that, on receipt of a specific information, they conducted raid at the scene of offence and found approximately 550 Kgs of Methaqualone therein. Accused No.1 Vivek Kubal was found at the scene of offence and came to be arrested immediately. During the course of investigation, it is revealed that there are in all eleven accused involved in the present crime.

The role attributed to the applicant by the Investigating Agency is that, the applicant introduced the accused No.4 Sachin Vartak with accused No.11 Abdul Rashid Abdula Shaikh for procuring the chemical namely Acetic Anhydride which is a controlled substance used in manufacturing Methaqualone. The chargesheet indicates that, there is no legal material available on record to connect the applicant in the present crime. What has been relied upon by the Investigating Officer in his affidavit dated 15.2.2018 are the statements of co-accused which are recorded during the course of investigation thereby naming the applicant. The said statements are recorded during the course of investigation in the police station when the accused persons were in custody. Undoubtedly such statement has no value in the eyes of law.

After perusing the record, prima facie it appears that there is no

legal material available at all against the applicant to connect him with the present crime.

4] In view thereof, the applicant can be released on bail.

Hence the following Order:

(i) The applicant be released on bail in Sessions Case No.399 of 2015 arising out of CR No.II-07 of 2016 on his furnishing PR bond of Rs.1,00,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Wada Police Station, District Palghar on every first Monday of the month between 10.00 a.m. to 1.00 p.m.

(iii) Applicant shall also attend all dates before the Trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)