

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 367 OF 2012**

Abdul Rehman @ Haji Ali

Mohammed Hakim

...Appellant

Versus

The State of Maharashtra

...Respondent

**WITH
CRIMINAL APPEAL NO. 324 OF 2012**

Bandu @ Buntu Dagdu Udanshive

...Appellant

Versus

The State of Maharashtra

...Respondent

**WITH
CRIMINAL APPEAL NO. 390 OF 2012**

Mohammed Afzal @ Afzal Chouda

Hayat Qureshi

...Appellant

Versus

The State of Maharashtra

...Respondent

**WITH
CRIMINAL APPEAL NO. 409 OF 2012**

Zakir @ Zakir Chikna @ Zakir Chota

Shariful Hasan Sayyed

...Appellant

Versus

The State of Maharashtra

...Respondent

Mr. Anil Lalla a/w Ms. Aanchal Lalla I/b Lalla & Lalla for the Appellants in Appeals/367/2012, 324/2012 & 409/2012

Mr. Ganesh Gole a/w Mr. Ritesh Ratnam and Mr. Bhavin Jain for the Appellant in Appeal/390/2012

Mrs. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 9th APRIL 2019

P.C. :

For the reasons separately recorded in the oral judgment passed today, the following operative order is passed :

OPERATIVE ORDER

- (i) *The appeals are allowed;*
- (ii) *The judgment and order dated 5th March 2012 passed by the learned Special Judge under the NDPS Act, Greater Mumbai in NDPS Case No. 128/2010, convicting and sentencing the appellants, is quashed and set-aside;*
- (iii) *The appellants are acquitted of the offences with which they are charged. They be released forthwith, if not required in any other case.*
- (iv) *Fine amounts, if paid, shall be refunded to the appellants.*

REVATI MOHITE DERE, J.