

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1382 OF 2015

Intibhab Alam Abduyl Hamid Kurawle .. Petitioner  
Versus  
Union of India and Anr. .. Respondents

Mr. Ayaz Khan with Zehra Charania for petitioner  
Mr. F.R.Shaikh, APP for State.

CORAM : B.P.DHARMADHIKARI &  
REVATI MOHITE-DERE, JJ.

DATE : 8<sup>th</sup> February 2019.

P.C.

Heard the learned Counsel for petitioner. His effort is to demonstrate that for the first time in February 2018 Mirra Leaves find inclusion in Schedule II of Narcotic Drugs and Psychotropic Substances Act, 1985 and hence after that date alleged act may tantamount to offence. He points out that here Mirra Leaves have been imported from Ethiopia as per permission given by competent department of Union of India on 20<sup>th</sup> July 2014.

2] With his assistance we have perused papers.

3] We find that the petitioner is already released on bail. However, the defence of department that total 15 boxes containing 140.570 Kilograms of MIRAA Leaves (khat leaves) purported to cathinon and cathine psychotropic substance were seized on 6<sup>th</sup> January 2015.

4] Some disputed questions arise and as the charge sheet against the petitioner is already presented to the competent court, we are not inclined to delve into these questions at this stage. All those questions including contentions that February 2018 amendment cannot be retrospectively applied are kept open. The competent court can at appropriate stage examine all these aspects in accordance with law.

5] Hence, with these observations, we dispose of this petition. No costs.

(REVATI MOHITE-DERE, J)

(B.P.DHARMADHIKARI, J)