

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

CRIMINAL BAIL APPLICATION NO. 2078 OF 2018

Shahrukh Shauqat Khan	... Applicant
Vs.	
The State of Maharashtra	... Respondent

...

Mr. S.S. Butala for the applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 30th JANUARY, 2019.

P.C.

1. This is an application for bail in connection with CR No. II-59 of 2017. The offences were registered under Section 8(c), 22 and 29 of N.D.P.S.Act, 1985. The accused was arrested on 3rd July, 2017.

2. Case of the prosecution is that on 12th June, 2017 information was received that one person would come near Mumbra Railway Station at about 17.00 p.m. for the purpose of selling Ketamine. Information was recorded and letter was forwarded to the Senior Officer to obtain a permission to arrange trap and on the same day obtained the permission. Panchas were arranged and trap was laid on 12th June, 2017. One person was

apprehended who disclosed his name as Gulfam Ramzan Shaikh. The contraband was seized from his possession. During the course of investigation, the arrested accused disclosed that the contraband was given to him for sale by one Sharukh Khan (applicant) and is likely to come to Mumbra. Applicant was arrested. He was found in possession of 51 gram of Mephedrone. Applicant disclosed that he had purchased the same from Mohit Sahabbir Lokhandwala. During the night time trap was laid and co-accused was arrested.

3. Learned counsel for the applicant submits that there are discrepancies in the evidence collected against the applicant. At the time of alleged seizure from the possession of the applicant, investigating machinery was not carrying detection kit with them and on the basis of experience it was presumed that drug was Mephedrone. It is further submitted that applicant was allegedly found in possession of 51 gram of Mephedrone. Quantity above 50 grams is a commercial quantity. While measuring seized contrabands it was measured with the plastic bag and therefore there is discrepancy with regards to measurement. It is submitted that the applicant is in custody from the date of arrest.

4. Learned APP submits that there is compliance of procedure

safeguards under N.D.P.S. Act. C.A. report supports the case of the prosecution.

5. The discrepancy as pointed out by the learned counsel for the applicant with regards to measurement or non-availability of the kit can be adjudicated at the time of trial. C.A. report supports the case of prosecution. Considering the aforesaid circumstances, no case for grant of bail is made out. Hence, application is rejected.

(PRAKASH D. NAIK, J.)