

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 953 OF 2021

**MOHAMMED ARIF YAKUB
BHUJWALA**

} APPLICANT

V/S.

THE STATE OF MAHARASHTRA

} RESPONDENT

* * * *

Mr. Ayaz Khan i/by. Ms. Zehra Charania, Advocate for the applicant.

Smt. S.V. Sonawane, APP for State-respondent.

Investigating Officer, PI, Mr. Devidas Handore, Anti Narcotics Cell from Mira Bhayender Vasai Virar Commissionerate present.

Coram : Sandeep K. Shinde, J.

Wednesday, 15th December, 2021.

P.C. :

1. Heard.
2. The Court constituted under Section 36 of the Narcotics Drugs and Psychotropic Substances Act, 1985 is empowered to take cognizance of an offence under the Act, upon perusal of police reports. This being the power of the

Special Court under Section 36A(b), the impugned order dated 25th August, 2021 passed by the Special Judge, NDPS, Thane in Special Case No.452 of 2021 was not clearly maintainable in law. It is therefore set aside.

3. The learned Special Judge, shall consider the report of the Investigating Officer under Section 169 of Criminal Procedure Code, and pass appropriate order in accordance with law, preferably within four weeks from the date on which the copy of this order, is produced before him.

4. Application is allowed and disposed of in the aforesaid terms.

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(Sandeep K. Shinde, J.)