

Anand

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

BAIL APPLICATION NO. 3126 OF 2019

**Nisha
S.
Chitnis**

Sikandar Rahimbaksh Shaikh @ Sikandar Bali .Applicant

Vs.

The State of Maharashtra .Respondent

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by Nisha S.
Chitnis

Date: 2021.01.22
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Ms Anjali Patil – Contractor, Advocate, for the Applicant
Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.01.2021

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 129 of 2016 registered with the ANC, Bandra Unit, Mumbai, for the alleged offences punishable under Sections 8(a) r/w 22(a) of the Narcotic Drugs and Psychotropic Substances Act.

3. Perused the papers. On 27.10.2018, Senior Inspector – Pawde whilst patrolling saw one man (Applicant) wandering in a suspicious manner near Gate No. 18, Bandra Terminal. Pursuant thereto,

the Applicant was apprehended, two panchas were called and 60 gms of Mephedrone was recovered from the Applicant, pursuant to which the aforesaid complaint was lodged. The said quantity found in possession of the Applicant is commercial quantity. It also appears that when the Complainant tried to apprehend the Applicant, he attempted to run away from the said spot.

4. Considering that the Applicant was found in possession of 60 gms of Mephedrone, which is commercial quantity, the bar of Section 37 would clearly apply.

5. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)