

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.376 OF 2022

Dawood Maqbool Ansari .. Applicant
Versus
The State of Maharashtra .. Respondent

Ms. Roohita Shaikh, a/w Mr. Javed Shaikh, Mr. Anil Nile for the Applicant.

Mr. S.V. Gavand, A.P.P. for the State/Respondent.

Mr. Shivkumar Gaikwad, API, MiraRoad, Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 16th NOVEMBER, 2022

P.C:-

1. On 14/09/2022 the co-accused Nadeem Abdul Rahim Choughule was released on bail by specifically noticing the lacunae in compliance of the notice under 50 of the NDPS Act. The learned counsel appearing for the applicant, who is arraigned as accused no.2 strenuously rely upon the said order.
2. The learned APP Mr. Gavand on going through the orders concede to the fact that the observations made against the accused no.1 are equally applicable to the present applicant as regard non-compliance of section 50, which makes the case of the prosecution doubtful. When the charge-sheet is perused it can

be seen that the notice that was issued to the applicant under section 50 is issued in a similar manner with no reference of the same being made in the panchnama or to the panchas depicting that it is nothing but a afterthought. Hence the applicant deserve parity with Nadeem Abdul Rahim Choughule, who is released on bail in (BA No.1801 of 2021) on 14/09/2022, for the same reasons recorded in the order. Hence the following order:

: ORDER :

- (a) Application is allowed.
- (b) Applicant- Dawood Moqbool Ansari shall be released on bail in connection with C.R.No.0226 of 2020 registered with Mira Road Police Station on furnishing P.R. Bond to the extent of Rs.50,000/- with one or more sureties in the like amount.

The applicant shall be released on cash bail in lieu of sureties for a period of six weeks.

- (c) The applicant shall mark his attendance before the concerned police station on first Monday of every month between 10.00 a.m. to 12.00 noon till framing of charge, and, thereafter abide by the directions issued by the trial Court.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him

from disclosing the facts to Court or any Police Officer.
The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in the event of any change therein.

(SMT. BHARATI DANGRE, J.)