

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

BAIL APPLICATION NO.1308 OF 2021

Saida Yusuf Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Dilip Mishra i/b. Mr. Ayaz Khan for the Applicant.

Mr. M.G. Patil, APP for Respondent No.1-State.

Mr. Harshad Kale, PSI, Mumbra Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 2nd MAY, 2022.

P.C.:-

1. This is an application under Section 439 of Cr.Pc., filed by the Applicant, who is facing trial in Special NDPS Case No.162 of 2019 pending on the file of learned Special Judge (NDPS), Thane, for offences under Section 8(c), 20,22, 27 A of NDPS Act, 1985.

2. It is the case of the prosecution that the co-accused Prem Gujar was found in possession of 1 kg 800 gram of Ganja. In the course of the interrogation, it was revealed that the Applicant had given shelter to the co-accused-Prem Gujar and financially helped him in procuring Ganja. The co-accused has been released on bail vide order dated 26/04/2022. While releasing the Co-accused-Prem Gujar on bail, this Court has

observed that the contraband which was allegedly seized from the Applicant is of non commercial quantity and that the CA report was not received.

3. In the instant case, apart from the oral statements of some of the witnesses there is no prima facie material to indicate that the Applicant herein has rendered financial assistance to the co-accused in procuring contraband substance. The Applicant is in custody since 08/10/2020. Charge is not yet framed and the CA report is not yet received. There is no likelihood of the trial being concluded within a reasonable time. The Applicant cannot be detained in custody solely on the basis of criminal antecedents.

4. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) The Applicant, who is facing trial in NDPS Special Case No.162 of 2019 pending on the file of learned Special Judge (NDPS), Thane, be released on bail on furnishing bail bonds of Rs.40,000/- with one or two solvent sureties to the like amount;
- (ii) The Applicant shall report to the Investigating Officer

or Sr. P.I. of Mumbra police station on the first Monday of every month until further orders;

(iii) The Applicant shall attend all the dates before the Trial Court till conclusion of the trial;

(iv) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)