

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

BAIL APPLICATION NO. 2454 OF 2021

Mr. Hussein Muzafar Rajani	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Ayaz Khan a/w. Mr. Dilip Mishra i/b. Sandeep
D. Sherkhane for the Applicant.
Ms. A.A. Takalkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 27th APRIL, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Special Case (NDPS) No.394/2021 pending on the file of Special Judge (NDPS), Thane for offences punishable under sections 8(C), 22(c) & 29 of Narcotic Drugs and Psychotropic Substances (NDPS) Act.

2. Heard Mr. Ayaz Khan, learned counsel for the Applicant and Ms. A.A. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. It is alleged that on 11/12/2020, while the officer was on duty, he received secret information that some persons were to come with contraband substance. Accordingly, two panchas were called, pre-trap panchanama was drawn and all requisite steps were complied with. It is stated that the raiding party waited at Anand Nagar, Jakatnaka. The informant identified one person who was moving around in a suspicious manner. He was arrested and he disclosed his name as Ayub – accused no.1. Upon taking personal search, 55 gms of MD was seized from his possession.

4. The Applicant came to be arrested on 12/12/2020 at Welfare ground, Versova. Upon taking personal search and complying with the requisite formalities, 150 gms charas, 400 gms Ganja and 35 gms of MD was seized from his possession. The Applicant was arrested on the same date and is in custody till date.

5. The investigation is completed and the charge sheet has been filed. The Applicant was found in possession of non commercial quantity. Though the accused no.1 was found to be in possession of the commercial quantity of contraband substance, there is no prima facie

material to show that there was any conspiracy or nexus between the accused no.1 and the Applicant. Hence, the rigors of section 29 are not attracted. The offence is punishable with maximum sentence of 10 years. The Applicant is in custody since 12/12/2020. It is stated that till date, charge is not framed. It is thus evident that the trial is not likely to conclude within the reasonable time. The Applicant is stated to be the resident of Nashik. There is no possibility of the Applicant absconding or thwarting the course of justice. Hence, the Bail Application is allowed on following terms and conditions :-

- (i) The Applicant who is facing trial in Special Case (NDPS) No.394/2021 pending on the file of Special Judge (NDPS), Thane, is ordered to be released on bail on furnishing P.R. bonds in the sum of Rs.50,000/- with one or two solvent sureties in the like amount ;
- (ii) The Applicant shall report to Kopri Police Station, Dist. Thane once in two months on every 1st Monday between 11.00 a.m. to 12.00 noon until further orders;
- (iii) The Applicant shall not interfere with the complainant and

the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2022.04.30
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(SMT. ANUJA PRABHUDESSAI, J.)