

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

925 BAIL APPLICATION NO.539 OF 2023

AKBAR KHAN S/O. IQBAL KHAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Patwardhan Rohit P.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 11.04.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is claiming the bail on the ground that Section 42 of the N.D.P.S. Act has not been complied with. The investigation has been completed. The applicant has no concern with the alleged crime.
3. Learned APP opposed the application contending that the information was immediately given to the Superior Officer and on his direction, the raid was conducted.
4. Perusal of record reveals that the Investigating Officer did not comply with the provisions under Section 42(2) of the N.D.P.S. Act. The law is well settled that non-compliance of

provision under Section 42 of the N.D.P.S. Act may make the prosecution case doubtful and the accused entitles to get bail. Therefore, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AKBAR KHAN S/O. IQBAL KHAN** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.06 of 2023, registered by Police Station M.I.D.C. CIDCO, District Aurangabad, for the offences punishable under Sections 8(c), 20(b) and 29 of the N.D.P.S. Act, on the following conditions :
 - (a) The applicant shall not involve in a similar crime.
 - (b) He shall report his presence in his house once in a month on first Saturday to the police on telephone between 5.00 p.m. to 7.00 p.m. till the conclusion of the trial.

- (c) He shall attend the trial on each and every effective date of hearing.

(S. G. MEHARE, J.)

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vmk/-