

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

46 BAIL APPLICATION NO.739 OF 2023

KALEEM SHAH SALEEM SHAH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Deshpande C. C.
APP for Respondent-State : Mr. S. P. Deshmukh.
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CORAM : S. G. MEHARE, J.
DATE : 02.05.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.121 of 2023, registered with Dhule City Police Station, District Dhule, for the offences punishable under Sections 328, 276 of the IPC and Section 8(C), 22 of the N.D.P S. Act.
3. Perused the papers. The papers do not disclose the compliance of Sections 42 and 50 of the N.D.P.S. Act, which is mandatory. The time when the applicant was seen coming on his motor bike and the station diary entry number are missing in the FIR. Section 50 of the N.D.P S. Act confers right upon the accused to appraise about his right to search in the

presence of the Gazetted Officer. The secret information was received a day before the incident. Hence, it was possible to comply with Section 42 of the N.D.P.S. Act. Since, the mandatory provisions of the N.D.P.S. Act have not been complied with, the applicant deserves bail on certain conditions :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **KALEEM SHAH SALEEM SHAH** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.121 of 2023, registered with Dhule City Police Station, District Dhule, for the offences punishable under Sections 328, 276 of the IPC and Section 8(C), 22 of the N.D.P S. Act, on the following conditions :
 - (a) The applicant shall attend the Police Station between 6.00 p.m. to 8.00 p.m. daily till filing of charge sheet.

- (b) He shall submit his residential proof and mobile phone number to Investigating Officer with an undertaking that he will not change his mobile number and inform the police, if his residential address will be changed.

(S. G. MEHARE, J.)

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vmk/-