



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

BAIL APPLICATION NO. 967 OF 2023

Hamja Shakeel Pittu

..Applicant

VS.

State of Maharashtra

..Respondent

Mr. Rajendra Rathod a/w Mr. Sohail Ahmed and Mr. Mujtaba Shaikh,
for the applicant.

Ms. Veera Shinde, APP for the State.

API- Mr. Ishan Kharote, Unit 3, Crime Branch, Navi Mumbai present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 14, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 8(c), 21(c), 22(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'the NDPS Act' for short) registered on 31/12/2021 vide C.R. No.371 of 2021 with Panvel taluka Police Station.

3. The applicant is the accused no.5. There are in all 6 accused. The date of the incident is 30/12/2021. The applicant was arrested

on 08/01/2022. The raiding party got a secret information that the accused no.1 would be arriving at the spot with a huge quantity contraband Maphedrone (MD). Accordingly, the accused no.1 was apprehended. 1 kg of contraband MD was recovered from the accused no.1. The investigation revealed the involvement of the other accused. The applicant i.e. accused no.5 was arrested on 08/01/2022. The co-accused no. 4 has been granted bail by the trial Court and the co-accused no. 6 has been granted bail by this Court. However, the applicant will not be able to seek parity with the other accused.

4. Two days post the arrest of the applicant, statement of the witness-Smt. Roma Kiran Rajguru was recorded which indicates the role of the present applicant. In the said statement dated 10/01/2022, the witness-Roma Kiran Rajguru has stated that her husband was running a company named as 'D. Rajguru and Company' sometime in 2018. It was a laboratory. In the said company, accused no. 6 – Jagjit Prajapati was working as a Marketing Manager who had information about the chemicals and other raw materials required for the purposes of the activities of the said company. In her statement, she has stated that sometime in the year

2020, accused no.6-Jagjit Prajapati started his own firm called 'Aayush Enterprises' in the said premises. She further stated that for the purpose of manufacturing MD, the accused no.1 and present applicant used to purchase raw materials which were supplied to them directly by the accused no.6- Jagjit Prajapati. Apart from the statement of the witness- Roma Kiran Rajguru about accused no.6 supplying the raw materials to the present applicant, there is nothing incriminating on record against the present applicant to indicate that he was involved in the manufacture of the substance 'MD'. Even CDR call details do not indicate that the applicant was in touch with the accused no.1. There are call details to show that the applicant was in touch with the accused no.2 – Zakir who is cousin brother and another accused in the present case. Having regard to the nature of the materials, prima facie, I am satisfied that the rigours of section 37 of the NDPS Act can be got over to enlarge the applicant on bail.

5. There is one earlier criminal antecedent reported against the present applicant under sections 8(c), 21(c), 22(C), 29 of the NDPS Act. Having regard to the facts of the present case, in my opinion, the antecedent may not be a circumstance to deprive the applicant the facility of bail considering the nature of the materials relied upon

by the prosecution against the applicant in the present case to show his complicity. It does not appear to be likely that the applicant will commit any offence while on bail as in any case I propose to impose stringent conditions. The applicant is in custody for more than 1 year and 8 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Hamja Shakeel Pittu in connection with C.R. No. 371 of 2021 registered with Panvel Taluka Police Station shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the investigating officer of the concerned police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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 case there is any change.

(f) The applicant shall not enter the jurisdiction of Raigad district except for attending the trial and for the purpose of reporting to the investigating officer, till the trial concludes.

(g) If the conditions are breached, strict consequences will follow.

6. The application is disposed of.

(M. S. KARNIK, J.)