

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1082 OF 2022**

Mohammed Afzal Hussain ShaikhApplicant

Versus

Intelligence Officer, Narcotics Control Bureau, ...Respondents
Mumbai Zonal Unit and Anr.

Mr. R. S. Bidkar, Advocate for the Applicant.

Mr. Shreeram Shirsat with Ms. Aditi Rao, Mr. Tanveer Khan and Mr. Shekhar Mane, Advocate for Respondent No.1-NCB.

Mr. Y. Y. Dabke, APP for Respondent No.2-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th SEPTEMBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.NCB/MZU/CR-01/2021 registered with NCB-Mumbai for offences punishable under Sections 8(c) read with 22(c), 27, 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is prosecution's case that on 1st January 2021, specific information was received by Mr.Sudhakar Shinde, Investigating Officer, which was reduced in writing and accordingly raid was conducted with the prior approval and 75 gms of Mephedrone (MD)

was recovered from the flat of applicant.

3. It is contention of learned counsel for applicant that the C.A.report of seized MD indicates negative. Applicant is behind bar for more than three years. Hence, requested to allow the application.

4. Learned special counsel submitted that when search of applicant's flat was taken, 75 gms MD was found, it is commercial quantity. Though first C.A. report of the seized MD is negative, NCB filed an application for retesting it, before trial Court which was initially allowed but by subsequent order, the same was rejected by the Trial Court. Hence, the present application be rejected.

5. I have heard both learned counsel, perused the complaint and charge-sheet.

The C.A. report of seized MD from the flat of applicant has come negative. Application was filed by NCB for retesting it. Though initially the application was allowed, by subsequent order, the same is rejected by concerned authority. Applicant is behind bar for more than three years.

6. In view of above, I pass following order :

ORDER

(i) Applicant be enlarged on bail in Crime No.NCB/MZU/CR-

01/2021 registered with NCB-Mumbai, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii) Applicant shall attend the office of NCB, Mumbai, once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m..

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) In the event, if NCB challenges the order and if the order is reversed, NCB is at liberty to take appropriate steps.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)