

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

ANTICIPATORY BAIL APPLICATION NO.892 OF 2023

Mohammad Dawood Izhar Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Nawaz Susmani with Mr. Asif Shaikh for the Applicant.

Mr. S.H. Yadav, APP for the Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th APRIL, 2023.

P. C. :-

1. This is an application for pre-arrest bail filed by the aforesaid Applicant apprehending his arrest in N.D.P.S. C.R. No.108 of 2022 registered with Shivaji Nagar Police Station, Mumbai, for the offences punishable under Sections 8(c) r/w 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Mr. Susmani, learned counsel for the Applicant and Mr. Yadav, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The FIR prima facie reveals that on 25/01/2023 while the First Informant was on patrolling duty, he saw two persons on a motorcyle with a gunny bag. The tried to flee when the First Informant accosted them. They were caught and were found in possession of 40 kg of Ganja (intermediate quantity).

4. The records reveal that the Applicant was not present at the place of the incident. There is no prima facie material to show the involvement of the Applicant in the aforesaid crime. Learned counsel for the Applicant states that the Applicant is a permanent resident of Kurla. Hence, there is no possibility of the Applicant absconding or thwarting the course of justice.

5. Under the circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in N.D.P.S.

C.R. No.108 of 2022 registered with Shivaji Nagar Police Station, Mumbai, the Applicant is ordered to be released on bail on furnishing bail bonds of Rs.30,000/- with one or two sureties in the like amount.

- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. 24/04/2023 and 25/04/2023 between 10.00 a.m. to 1.00 p.m. and thereafter as and when required by the Investigating Officer;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)