

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

ANTICIPATORY BAIL APPLICATION NO.1115 OF 2023

Mohsin Zubair Chhapra

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Ayaz Khan for the Applicant.

Mr. S.V. Gavand, APP for the Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. The Applicant seeks pre-arrest bail in C.R. No.15 of 2023 registered with Dongri Police Station, for the offences punishable Sections 8(c) r/w 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 10/02/2023 while the officers of Dongri Police Station were on patrolling duty, they saw one person moving suspiciously. The said person, who was identified as Naushad Rasul Virani (accused No.1) was apprehended and one plastic bag containing white powder was recovered from him. He was apprised of his rights under Section 50 of the NDPS Act. Upon taking

personal search, 5 gm of MD and 10 empty boxes were recovered. The contraband was seized and the accused No.1 was placed under arrest. It is stated that the accused No.1 has disclosed the name of the Applicant. In view of which, name of the Applicant was mentioned in the remand application.

3. By order dated 25/04/2023 this Court had granted interim bail to the Applicant particularly considering the fact that the Applicant was sought to be implicated only on the basis of statement of the co-accused. Learned APP concedes that apart from the statement of the co-accused there is no other material to show the involvement of the Applicant in the said crime. Learned APP concedes that pursuant to the order dated 25/04/2023 the Applicant had reported to the Investigating Officer and that he has been interrogated.

4. In the light of above facts and circumstances, this is a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, interim order dated 25/04/2023 stands confirmed.

5. Applicant to report to the concerned Investigating Officer as and when required for the purpose of investigation.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)