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

BAIL APPLICATION NO. 2015 OF 2022

Amrez Masruddin Shaikh ..Applicant
VS.
The State of Maharashtra ..Respondent

Ms. Ashwini Achari a/w Mr. Advait Tamhankar i/b Mr. Taraq
Sayed, for applicant.
Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 7, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in connection with C.R. No. 578 of 2021 dated 16/10/2021 registered with Nayanagar Police Station for the offence punishable under sections 8(c) and 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter "NDPS Act", for short).
- 3.** On 16/10/2021, when the police officers stopped the bike which was in speed and by which the accused no. 1

tried to flee, 100.52 grams Mafedrawn was found in possession of accused no. 1 from the sack on the person of the accused no. 1. The applicant was the pillion rider. Learned counsel relied upon the decision of this Court dated 10/10/2022 in Bail Application No. 1781 of 2022 in support of her submission. Except that the applicant was a pillion rider, there is no material to connect the applicant with the offence. The applicant was not found in possession of any contraband. There is no material brought on record to demonstrate that the applicant had any knowledge about the contents of bag which was in possession of accused no.1. The applicant was arrested on 15/16th October 2021. The applicant is in custody for more than 1 year. There are no criminal antecedents against the applicant. The investigation is complete and chargesheet is filed. In this view matter, the following order.

ORDER

- (a) The bail application is allowed;
- (b) The applicant- Amrez Masruddin Shaikh in connection with C.R. No. 578 of 2021 dated 16/10/2021 registered with Nayanagar Police Station

shall be released on bail on executing P.R.Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

(b) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of four weeks., in lieu of surety;

(c)The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

(d) The applicant shall appear before the Investigating Officer once in a month on the first Saturday of the month between 11:00 a.m to 1:00 p.m., till further orders.

(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, if there is any change.

4. The Bail Application is allowed.

(M. S. KARNIK, J.)