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

BAIL APPLICATION NO.2106 OF 2023

ANIS ABDUL REHMAN SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Kamlesh Satre for the Applicant.

Mr. N. B. Patil, APP for the State.

PSI R. N. Kadam, Naya Nagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 31, 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), 22(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter "NDPS Act", for short) registered vide C.R. No.705 of 2022 with Naya Nagar Police Station.

3. The FIR was registered on 27.09.2022. The applicant was arrested on 27.09.2022. The applicant is the accused No.2. The applicant was found in possession of 5 gram of

substance called Mephedrone (MD). The same is not a commercial quantity but an intermediate quantity. The rigours of Section 37 of the NDPS Act therefore will not apply. The applicant is in custody since 27.09.2022 almost for a period of 11 months. I have gone through the panchnama dated 26.09.2022. It appears that the applicant had purchased the said substance from the accused No.3- Mohammad Shakil Shaikh, who is the main accused. The applicant was found in possession of non-commercial quantity. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Anis Abdul Rehman Shaikh in connection with C.R. No.705 of 2022 registered with Naya Nagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Naya Nagar 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.

4. The application is disposed of.

(M. S. KARNIK, J.)