

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

BAIL APPLICATION NO. 4491 OF 2021

Abdullah Abdul Salam Shaikh ..Applicant
VS.
The State of Maharashtra ..Respondent

Adv. Kamlesh Satre a/w Adv. Vikas Chavan for the Applicant.

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

API – Tikaram Thatkar, Kashimira Police Station.

CORAM : M. S. KARNIK, J.

DATE : MARCH 2, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant- Abdullah Abdul Salam Shaikh in connection with C.R. No.367 of 2021 dated 05/05/2021, registered with Kashimira Police Station, under sections 20(b) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- 3.** The applicant was arrested on 07/05/2021. The investigation is complete and the charge-sheet has been filed. The applicant is now in custody for 1 year and 10 months awaiting trial, which will likely take a long time to

conclude.

4. Learned APP states that there are 3 criminal antecedents reported under the NDPS Act against the applicant. In these antecedents, the applicant was found in possession of 18 gms of M.D., 300 gms of Ganja and 7 gms of M.D. which are stated to be a non-commercial quantity. All these antecedents were registered against the applicant, during the period between 2019 and 2020. There are 3 other antecedents registered against the applicant which are in respect of bodily offences.

5. In the present case, it is the co-accused who was found in possession of 45 gms of M.D. According to the co-accused, the applicant is the one who sold the substance M.D. to the co-accused. Admittedly, the non-commercial quantity was found in the possession of the co-accused. Nothing was found in the applicant's possession. Except for the statement of the co-accused, there is no material against the applicant. Considering that there are criminal antecedents, some stringent conditions need to be imposed but in the present facts, the applicant need not be deprived of the facility of bail. In this view of the matter, the applicant

can be released on bail. Hence, the following order.

ORDER

(a) Applicant- Abdullah Abdul Salam Shaikh in connection with C.R. No.367 of 2021, registered with Kashimira Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.1,00,000/- with one or more sureties in the like amount;

(b) The applicant shall not enter in Mumbai, Mumbai Suburban and Thane district till further orders of the trial Court;

(c) The applicant shall report to the Kashimira police station once a week i.e. on every Saturday between 11.00 a.m. and 1.00 p.m and only for that purpose, the applicant is permitted to enter in Thane district;

(d) While staying outside Mumbai, Mumbai Suburban and Thane district, 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;

(e) The applicant shall not indulge in similar offence henceforth;

(f) 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.

6. The application is disposed of.

(M. S. KARNIK, J.)