



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

BAIL APPLICATION NO. 4060 OF 2023

SHABBIR AHMAD MOHAMMAD

HUSAIN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Anil B. Khopade a/w Adv. Pritam P. Runwal Applicant.

Ms. Veera Shinde, APP for the State.

PSI Vijay Koli, Killa Police Station, Malegaon (Nashik).

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 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), 20(b) and 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) registered on 05/09/2023 vide C.R. No.169 of 2023 with Killa Police Station, Nashik.
- 3.** It is the case of the prosecution that on 04/09/2023 at about 20.10 hours, API Tayade received information from

his informant that one person on his black Suzuki Motorcycle in the vicinity of Islamabad near the house of Nihal Putthawala, was selling the contraband 'Ganja'. The police prepared for the raid and accordingly, panchas were called. The raid was effected on the applicant at about 21.15 hours. The applicant was found in possession of three packets of Ganja weighing around 3.320 Kg.

4. The applicant was arrested on 05/09/2023 for the offence punishable under the aforesaid sections of the NDPS Act and is in custody for 3 months as an undertrial.

5. The investigation is complete and the charge sheet is filed. The applicant was found in possession of a non-commercial quantity of the contraband and hence rigours of Section 37 of the NDPS Act will not apply. There are no criminal antecedents reported. The applicant will face the consequences post-trial if found guilty. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Shabbir Ahmad Mohammad Husain in connection with C.R. No. 169 of 2023

registered with Killa 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 Killa police station once in a month, first Monday of every 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.

(f) The applicant shall not leave the municipal limits of Nashik District without intimation to the Investigating Officer.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport to the investigating officer if not already surrendered. If the applicant does not have a passport, the applicant shall

file an affidavit before the trial Court to that effect.

6. The application is disposed of.

(M. S. KARNIK, J.)