



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2097 OF 2023

FAISAL MUSHTAQ SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. A. A. Joshi, Advocate h/f Mr. S.V. Natu, Advocate for Applicant
Mrs. S.S. Joshi, APP for Respondent/State
...

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 15th APRIL, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No. 1003/2023, registered with Pathardi Police Station, Dist. Ahmednagar, for offence punishable under Sections 20(b) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. FIR is lodged by Police Naik Nilesh Gulab Mhaske attached to Pathardi Police Station, Dist. Ahmednagar, contending that on 27/09/2023 at about 02:35 a.m., they received secret information that Ayyaz Gaffur Sheikh and Sheikh Rashid Riyad are carrying *Cannabis* (Ganja) in Scorpio car bearing No. MH-17-BS-9711. After completing the formalities the said Scorpio car was intercepted and 02 Kg *Cannabis* (Ganja) worth Rs.20,000/-, was seized from both accused. According to prosecution, said *Cannabis* (Ganja) was purchased by two accused persons from applicant.
3. Heard learned advocate for applicant and learned APP for respondent/State. Perused the investigation papers.

4. Applicant claims to be innocent. He is doing business of supply of construction material through his Diamond Building Material supply shop. He is a tax payer. He has no concern with the present crime.

5. Learned APP, on the other hand, strenuously opposed the application contending that quantity of *Cannabis* (Ganja) seized is more than small quantity (1 Kg), but it is lesser than commercial quantity (20 Kg). She submits that custodial interrogation of applicant is necessary for recovery of stock owned by applicant.

6. Investigation papers show that on 27/09/2023 Ayyaz Gaffur Sheikh and Sheikh Rashid Riyad were arrested, *Cannabis* (Ganja) was seized from them and crime is registered. They both are released on bail. Though prosecution claims that name of applicant was disclosed by co-accused, for the reasons best known, investigating officer has failed to raid premises of applicant, though his address is known. Charge-sheet in the present crime is filed on 24/11/2023. No useful purpose would be served by remanding applicant to the custody. Trial is not likely to be concluded in near future, therefore, pre-trial custodial detention of applicant is not necessary in the facts of present case.

7. Hence, the application is allowed by confirming interim protection granted to applicant by order dated 21/12/2023.

(NITIN B. SURYAWANSHI, J.)