

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2888 OF 2024**

Yasin Innus Mulani	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Dilip Shinde for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. Keshav Shankar Randive, PSI, Sangli City Police Station, District Sangli.

**CORAM : MANISH PITALE, J.
DATE : 25th OCTOBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0437 of 2024 dated 13.09.2024, registered at Sangli City Police Station, District Sangli, for offences under Sections 8(c) and 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The FIR shows one named accused person from whom it is alleged that intermediate quantity of contraband (*ganja*) was recovered.

3. The learned counsel for the applicant submitted that the applicant is not named in the FIR. It is only on the statement of the named accused person that the applicant has been arraigned as an accused and allegation is made that he had supplied the contraband. There is nothing to link the applicant with the incident in question, other than the statement of the named accused person.

4. The learned APP submitted that the named accused person has clearly stated that the contraband was supplied by the applicant. It is further submitted that the call detail records (CDRs) are available, which show that the applicant was in touch with the named accused person. It is submitted that for effective investigation, custody of the applicant is necessary.

5. In the present case, it appears that other than the statement of the named accused person, there is presently no material to link the applicant with the incident in question. The CDRs relied upon by the respondent-State, indicate that the sim card pertaining to the mobile phone, is registered in the name of the brother of the applicant. The learned counsel for the applicant has specifically submitted that the aforesaid mobile phone and the sim are being used by the wife of his brother, who happens to be the sister of the named accused person. In such a situation, at this stage, when even the sim card in question is not directly linked with the applicant, a strong *prima facie* case is made out by the applicant, particularly when he does not have any criminal antecedents. This Court is unable to agree with the learned APP that such material is enough to show that the present application should be dismissed. Merely because the offences registered in the present case pertain to serious offences and the sim card in question is registered in the name of the brother of the applicant, it cannot be said that it is directly linked with the applicant. It is also to be noted that the contraband (*ganja*) is of intermediate quantity. The applicant is ready to co-operate with the investigation and therefore, this Court is inclined to allow the present application.

6. In view of the above, the application is allowed in the following terms:
- (i) In the event the applicant is arrested in connection with FIR No.0437 of 2024 dated 13.09.2024, registered at Sangli City Police Station, District Sangli, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
 - (ii) The applicant shall remain present before the Investigating Officer on 28.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
 - (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
 - (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.
7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.
9. The application stands disposed of.

(MANISH PITALE, J)