

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.503 OF 2024**

Saeed Ahmad Shafique Ahmad @ Saeed Baba ...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Mahendra N. Sandhyanshiv, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : FEBRUARY 13, 2024**

P.C.:

- 1.** Heard Mr. Sandhyanshiv, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP for the Respondent-State.
- 2.** This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	103 of 2022
2	Date of registration of F.I.R.	04/08/2022
3	Name of Police Station	Azadnagar Police Station, Malegaon, District-Nashik
4	Section/s & Act/s invoked	276 & 328 of the <i>Indian Penal Code, 1860</i> , Sections 18(c), 18(A), 27(k)(2) & 28 of the <i>Drugs and Cosmetics Act, 1940</i>
5	Date of incident	04/08/2022

6	Date of arrest	16/08/2022
7	Date of filing Charge-sheet	14/10/2022

3. It is the contention of Mr. Sandhyanshiv, learned Counsel appearing for the Applicant that the Applicant was arrested in C. R. No.141 of 2022 registered with Pawarwadi Police Station, District-Nashik and in house search of the Applicant 12 bottles of Conex-C were found. The said search was taken without giving notice to the Applicant and in his absence. He submits that as far as the offence under the *Drugs and Cosmetics Act, 1940* is concerned, the maximum punishment is three years and for the offence under Section 276 of the *Indian Penal Code, 1860* (“IPC”) maximum punishment is six months and for the offence under Section 328 of IPC maximum punishment is ten years. He submitted that the factual position on record shows that offence under Section 328 is not attracted.

4. The Applicant was arrested on 16th August 2022 and he is incarcerated for a period of one year and five months.

5. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 14th October 2022. The trial is likely to take a considerably long time. The Applicant does not have any criminal antecedents.

6. The Applicant does not appear to be at ‘flight risk’.

7. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Saeed Ahmad Shafique Ahmad @ Saeed Baba be released on bail in connection with C.R. No.103 of 2022 registered with the Azadnagar Police Station, Malegaon, District-Nashik on his furnishing P. R. Bond of Rs.25000/- with one or two solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case there is any change.
- (c) The Applicant shall report to the Azadnagar Police Station, Malegaon, District-Nashik once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.
- (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 such a person from disclosing the facts to Court or any Police personnel.
- (e) The Applicant shall not tamper with the evidence and shall not contact or influence the complainant or any witnesses in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the

Investigating Officer.

- 8.** The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]