

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

ANTICIPATORY BAIL APPLICATION NO. 1148 OF 2024

Sakina Mohd. Yusuf Shaikh

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Rachana Mahale i/b. Moin Khan for Applicant.

Smt. Madhavi Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 26 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.119 of 2024 registered at M.R.A. Marg Police Station, Mumbai, on 04.04.2024, under sections 20 and 8(c) of the Narcotic Drugs And Psychotropic Substances, Act, 1985 (N.D.P.S. Act.)

2. Heard Ms. Rachana Mahale, learned counsel for the applicant and Ms. Madhavi Mhatre, learned APP for the State.

3. The F.I.R. is lodged by one police constable Kishor Tawade. He has stated that, he was attached to M.R.A. Marg police

station. On 04.04.2024, they were patrolling in Shette chowk. They received an information that one person was selling *ganja* in that area. They went there. The police officers saw that one person was moving suspiciously. He was stopped and apprehended. After following the procedure under the N.D.P.S. Act, his personal search was conducted. He was carrying a bag and there was some suspicious substance in that bag. The raiding party smelt it and reached the conclusion that it was *ganja*. The weight of the contraband was 210 grams. The samples were drawn and *ganja* was seized. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the F.I.R. itself mentions that, when questioned about the supplier of that *ganja*, the arrested accused had given evasive answers. However, the applicant is apprehending her arrest on some vague information supplied by the arrested accused during interrogation.

5. Learned APP submitted that, during investigation it transpired that, one Sakina Jamal Shaikh had supplied that *ganja*.

6. I have considered these submissions. Learned counsel

for the applicant invited my attention to the copy of the Aadhar card of the present applicant. Her date of birth was mentioned as 01.01.1966. That means, she would be around 58 years of age. Her address is mentioned as Merchant Manzil, 47, Dontad Street, Khadak, Mumbai. Whereas, the 'say' filed by the investigation agency while opposing the anticipatory bail application of the applicant before the Sessions Court mentioned that the arrested accused had informed that one Sakina Jamal Shaikh aged 70 years of age had supplied that *ganja*. The name of the present applicant is Sakina Mohd. Yusuf Shaikh, aged 58 years. Thus, neither the name of the supplier nor her age matched with the present applicant. Therefore, there is a strong possibility that it is a case of mistaken identity. Considering this aspect, the applicant's custodial interrogation would not be justified. She can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of her arrest in connection with C.R.No.119 of 2024 registered at M.R.A. Marg

Police Station, Mumbai, the applicant is directed to be released on bail on her executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)