

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

REVISION APPLICATION NO. 183 OF 2024

Dhruv Dalip Tahir

...Applicant

vs.

The State of Maharashtra

...Respondents

Adv. Ayaz Khan a/w Adv. Siya Chaudhary	Advocate for the Applicant
Mr. H. J. Dedhia	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 18th JUNE 2024

P. C. :-

1. Heard learned Advocate Shri Khan for the Applicant.
2. His prayer for discharge was rejected by the trial Court as per Order dated 07/10/2023, at page no. 51. He is charge-sheeted for the offence under Sections 8-C, 22-B, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, at page no. 69.
3. Learned Advocate Mr. Khan made following submissions:-
 - a) “Even though charge under Section 27-A of the NDPS Act is not attracted” is a finding of the trial Court still trial court

lay its hands in discharging the Applicant.

- b) For offence under Section 29 of the NDPS Act, the evidence on the point of conspiracy is not sufficient to charge him. He laid emphasis on observations in para no. 17, at page no. 43.
- c) He invited my attention to observations on page no. 57, para no. 7 of the bail order.
- d) His application for review/modification was rejected by the trial Court, at page no. 47. The relevant findings are in para no. 9. They are as follows:-
 - a) Earlier order is not challenged
 - b) there is no provision for the review
 - c) Partial discharge is not permissible
 - e) The prosecution agency has applied different standards. Similarly placed persons are made as witnesses. Their statements and whats app messages are on page no. 150 and 194 to 196 and 151 and 155.

4. Learned APP seeks time to file an affidavit. Four week's time is granted. Let the prosecution to deal with above submissions in the affidavit. They can rely upon necessary findings. Longer date is

granted. It is expected that no adjournment will be sought. The Applicant is at liberty to seek exemption from the trial Court.

5. Matter be kept on **16th July 2024**.

[S. M. MODAK, J.]