

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

CRIMINAL BAIL APPLICATION NO. 1627 OF 2024

Jishan Ahmad Alam Khan

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Brahmanand Dube, Advocate for the applicant.

Mr. S. S. Chaudhary, APP for State-Respondent.

Mr. Ganesh Jadhav, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 27th AUGUST, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 399 of 2023, registered with Kharghar Police Station for the offences punishable under Sections 8(c) and 22(c) of The Narcotic Drugs and Psychotropic Substances Act, 1985.
- 3) The learned Counsel for the applicant submits that the Mephedrone recovered from the applicant, is not a commercial quantity but it is an intermediate quantity. It is argued that after the seizure of the same it was tampered and as such there are discrepancies in

the quantity of seizure as well as in the inventory. He therefore submits that the applicant may be released on bail.

4) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer, I do not find favour in the submission made by the learned Counsel for the applicant for the reason that nothing is pointed out why the police would tamper with the quantity of the contraband and to increase the quantity of the same. If the quantity is intermediate, there is no need to satisfy twin conditions for grant of bail and if the quantity is commercial, two conditions need to be satisfied. But in both the cases law of bail would equally applicable. Thus in absence of any reason for the police to tamper with quantity of the contraband particularly when there is no dispute about the recovery of contraband from the applicant, I do not find any merit in the present application. Accordingly, the application is rejected and disposed of.

5) The learned Counsel for the applicant, at this stage, prays for grant of liberty to apply afresh if there is no progress of the trial in near future.

6) Considering the fact that there are no antecedents against the applicant, a liberty is granted to the applicant to apply afresh before the trial Court after one year if there is no progress in trial.

[ANIL S. KILOR, J.]