

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2649 OF 2024

Jaffar Akbar Ansari ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Ms Ashwini Achari a/w Taraq Sayed, Alisha Parekh, Anish Parera,
Advocates for Applicant

Ms Geeta P. Mulekar, APP for the State.

RAJIV
BABARAOJI
RAUT

Digitally signed
by RAJIV
BABARAOJI RAUT
Date: 2024.11.29
16:42:57 +0530

CORAM : ANIL S. KILOR, J.

DATED : NOVEMBER 29, 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.I-48 of 2024, registered with Nalasopara Police Station, District: Mira Bhindar, Vasai-Virar for the offences punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is

evident that the alleged contraband was not recovered from the applicant but it was recovered from the accused No.1. The applicant was subsequently implicated as an accused in the present matter and his name was surfaced first time in the remand application on the ground as mentioned in the remand application that the accused No.1 confessed before the police about the commission of the offence and he stated that the applicant supplied the alleged contraband to him. Except this statement of the co-accused, there is no material against the applicant as regards his complicity in the alleged offence.

4. The learned APP, while strongly opposing the application has pointed out that there are some antecedents against the applicant under the NDPS Act, which the learned counsel for the applicant has disputed.
5. Since there is no *prima-facie* evidence against the applicant showing his complicity, the antecedent, even if any, is not material to decide the present bail application.
6. In the circumstances, in absence of any *prima-facie* incriminating material against the applicant, there is a reasonable ground to believe that the applicant is not guilty of the alleged offence.
7. Accordingly, I pass the following order:
 - i) The Criminal Application is allowed.

- ii) It is directed that the applicant shall be released on bail in connection with Crime No.I-48 of 2024, registered with Nalasopara Police Station, District: Mira Bhindar, Vasai-Virar for the offences punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend the concerned Police Station as and when his presence is required by the IO, till conclusion of the trial, except on the date of the trial.
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)