

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

BAIL APPLICATION NO. 2831 OF 2024

Sajid Abdul Rashid Shaikh ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Kamlesh M. Satre for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Umesh Karke, API, Trombay Police Station, Mumbai.

**CORAM: MANISH PITALE, J.
DATE : 23rd AUGUST 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant was arrested on 26th October 2023 in connection with FIR No. 0501 of 2023 dated 26th October 2023 registered at Trombay Police Station, Mumbai, for offences under Sections 8(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. In this case, the FIR was registered when the two named accused persons were found in possession of commercial quantity of contraband Mephedrone (MD). It is alleged that the role of the applicant came to light when the named accused persons, during the course of interrogation, stated that they had purchased the

contraband from the applicant (accused No.3) and Soheli Shaikh (accused No.4). The named accused persons also stated that they were to then supply the contraband to co-accused person Lookman (accused No.5) at Pune and to sell the rest of the contraband in small quantities to various persons.

4. The learned counsel for the applicant submits that in the first place, there is no recovery of contraband from the applicant. It is further submitted that the applicant has not been named in the FIR, but he is arraigned as an accused purely on the statements of the co-accused persons and there is nothing else to link the applicant with the present case. It is further submitted that reliance is placed on Call Detail Records (CDRs) in the charge-sheet, is also of no consequence because the CDRs pertain to alleged contact between the named accused persons and accused No.4-Soheli Shaikh.

5. On the other hand, the learned APP submits that according to the investigating authority, the applicant was always in the company of accused No.4-Soheli Shaikh. It is conceded that the CDRs pertain only to accused No.4-Soheli Shaikh and there is no CDR in connection with the applicant. Much emphasis is placed on the statements of the co-accused persons recorded during the course of interrogation.

6. This Court has perused the material placed on record. In the charge-sheet, the material on which the investigating authority has

placed reliance to link the applicant with the present case, is the statements of the co-accused persons from whom the contraband was recovered. The CDRs also pertain to only accused No.4-Sohel Shaikh and there is no CDR pertaining to any mobile number used by the applicant to remain in touch with the co-accused persons from whom the contraband was recovered. In other words, other than the statements of the co-accused persons recorded during the course of interrogation/investigation, there is at present no material to corroborate the said statements and to link the applicant with the incident in question. It is an admitted position that no contraband was recovered from the applicant. He has remained behind bars since 26th October 2023 and he also does not have any criminal antecedents.

7. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No. 0501 of 2023 dated 26th October 2023 registered at Trombay Police Station, Mumbai, on furnishing P.R. Bond of ₹50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall report to the Trombay Police Station, Mumbai, on first Monday of each month between 10:00 a.m. and 12:00 noon, during the pendency of the trial.

The applicant shall attend the trial Court on each and every date, unless specifically exempted by the trial Court.

- (c) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.
- (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application is disposed of.

MANISH PITALE, J.