

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

**ANTICIPATORY BAIL APPLICATION NO. 1559 OF 2024**

Pappu Heeraman Yadav  
Age 22 years, Occ. Service,  
R/at. Ground Floor, Alishan Building,  
Near Hotel Diniar, Shuklaji Street,  
Nagpada, Mumbai - 400 008. ..Applicant

Vs.  
The State of Maharashtra  
(At the instance of L. T. Marg Police  
Station vide their LAC No.16 of 2024) ..Respondent

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Mr Prabhanjay Dave a/w Mr Pradeep Kumawat, for the  
Applicant.  
Ms Pallavi Dabholkar, APP for the Respondent – State.  
PSI Lakhansing Pachlore, L T Marg Police Station present.

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**CORAM : R. N. LADDHA, J.  
DATE : 25 JUNE 2024**

**P.C.**

. Heard Mr Prabhanjay Dave, learned counsel for the  
applicant and Ms Pallavi Dabholkar, learned APP representing  
the respondent - State.

2. This is an application for pre-arrest bail filed by the  
applicant, apprehending arrest in LAC / C.R. No.16/2024,

registered at L. T. Marg Police Station, Mumbai for the offences punishable under Section 8(c) read with Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('the Act', for short).

3. It is the case of the prosecution that co-accused Vivek Yadav and Ramiz Raja Yasin Bhai were apprehended with 10 gms and 5 gms Mephedrone (MD), respectively. The allegations against the applicant stem from co-accused Vivek Yadav's statement; where he disclosed that the applicant was the person from whom he purchased the alleged contraband material.

4. Mr. Prabhanjay Dave, learned counsel for the applicant, submits that the quantities of 10 gms and 5 gms MD cannot be considered commercial quantities; they fall into intermediate range. Consequently, the rigour of Section 37 of the Act do not apply in this case. The applicant has no criminal antecedents. There is no material on record to implicate the applicant or connect him to the matter, except the statement made by the co-accused, which is not admissible. Both, the co-accused Vivek Yadav and the applicant, share a childhood friendship and hail from the same village. The co-accused Vivek Yadav and Ramiz Raja have already been released on bail. The applicant is a young boy of 22 years. To support his argument, the learned counsel relies upon *Seesh Singh @ Mor Vs. State of Punjab*<sup>1</sup>.

5. On the other hand Ms Pallavi Dabholkar, learned Additional Public Prosecutor representing the State, contends that the offence is of a serious nature. The co-accused were apprehended with 10 and 5 gms MD, which falls within the intermediate quantity range. There are call detail records linking the applicant to the co-accused Vivek Yadav on the day of the incident.

6. Upon perusing the records, it transpires that the present case relies solely on the co-accused's statement to implicate the applicant. However, there is no other material connecting the applicant to the alleged crime. The co-accused Vivek Yadav was apprehended on 7 March 2024, and there was communication between the applicant and Vivek Yadav once only. The applicant claims that the co-accused Vivek share a childhood friendship and hail from the same village. The applicant has no criminal antecedents and is a young boy of 22 years. The co-accused, who were apprehended with contraband articles, were already released on bail. Given these circumstances, the Court is inclined to grant the present application in the following terms:

### ORDER

- (i) In the event of arrest in LAC / C.R. No.16/2024, registered at L. T. Marg Police Station, Mumbai, the applicant, be released on bail, on furnishing a P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;

- (ii) The applicant shall report to the concerned police station for a period of three days i.e. 27 , 28 , and 29 June 2024 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the investigating officer.
  - (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses in any manner.
  - (iv) The applicant shall keep the investigating officer informed of his current address and contact number and / or change of residence or mobile details, if any, from time to time.
7. The application stands allowed in the aforestated terms.

**R. N. LADDHA, J.**