

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

ANTICIPATORY BAIL APPLICATION NO. 3183 OF 2024

Sameer Akbar Shaikh	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Sujit Alhat a/w K. Ghogare for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.
Mr. K. S. Vhatkar, API, Khadki Police Station, Pune.

**CORAM: MANISH PITALE, J.
DATE : 29th NOVEMBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0294 of 2022 dated 30th September 2022 registered at Khadak Police Station, Dist. Pune, for offences under Sections 8(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. At the outset, this Court put a query to the learned counsel for the applicant that when the FIR was registered as far back as on 30th September 2022, why is the anticipatory bail application filed now in the year 2024? In response, the learned counsel for the applicant submitted that no adverse action was taken against

the applicant, perhaps because he was not named in the FIR and that upon notices being served, the applicant had attended the Police Station and cooperated with the investigation.

4. The learned APP submits that he will have to take specific instructions with regard to the aforesaid assertion made on behalf of the applicant. This Court is informed that even charge-sheet has been filed in the present case. It would be appropriate that a copy of the charge-sheet is placed before this Court.

5. The allegation in the present case is that intermediate quantity of contraband (Mephedrone) i.e. 27 grams was recovered from the named accused person. The allegation against the applicant is that he was the supplier of the contraband.

6. Since intermediate quantity of contraband is involved, Section 37 of the NDPS Act does not come into picture. As on today, it appears that the only material against the applicant is the statement of the co-accused. A perusal of the charge-sheet is necessary to further consider the prayer made on behalf of the applicant. Nonetheless, in this situation, this Court is inclined to grant interim relief to the applicant.

7. In view of the above, list this application for further consideration on **8th January 2025 (High on Board)**.

8. The applicant shall file copy of the charge-sheet within two weeks from today.

9. The learned APP shall also take instructions on the specific contention of the applicant that he was served with notices and he had attended the Police Station in response thereto, while cooperating with the investigation.

10. In the meanwhile, there shall be interim order in the following terms :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0294 of 2022 dated 30th September 2022 registered at Khadak Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 2nd December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.
- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

11. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

MANISH PITALE, J.