



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 108 OF 2025

Shaikh Akbar @ Badshah Shaikh Pasha  
VERSUS  
The State Of Maharashtra

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- Mr. Ashraf Patel Shaikh, Advocate for the Applicant
- Mr. B. A. Shinde, APP for the Respondent/State

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CORAM : R. M. JOSHI, J  
DATE : FEBRUARY 17, 2025

PER COURT :

1. Applicant seeks bail in connection with with C.R. No. 219/2024 registered with Jinsi Police Station for the offences punishable under Sections 22(B), 29, 8(c) of the Narcotic Drugs and Psychotropic Substances Act and Sections 18(A), 18(c), 27(B)(II) of the Drugs and Cosmetic Act.

2. First information report indicates that secret information was received by the police and pursuant thereto a trap was laid. Gaffur Khan @ Baba Karim Khan (Accused No. 1) was accosted. In his possession, 10 bags of ultra zolam tablets were found. It is stated therein that he disclosed to the police about the said tablets having received from present Applicant.

3. Learned Counsel for the Applicant submits that charge-sheet is filed and in the entire investigation no evidence could be collected against the Applicant. It is his submission that in absence of any evidence to connect him with this crime, he deserves bail.

4. Learned APP opposed the application solely on the ground that there are criminal antecedents against Applicant and there are two crimes being Crime No. 282/2023 and 149/2022 registered for the similar offence. It is claimed that if he is released on bail he will commit similar offence.

5. A specific query is made to the learned APP to show from the charge-sheet as to what is the evidence on record to connect present Applicant with this crime. On going through the entire charge-sheet, no evidence is shown except alleged statement of Applicant himself and co-accused, which cannot be read in evidence. This Court finds that there is no *prima facie* material on record to indicate involvement of the present Applicant in the crime. Merely because there are previous crimes against the Applicant, in absence of any evidence to

connect him with this crime, request for enlargement on bail cannot be refused.

6. In view of above, application is allowed.

Hence, the order:

**O R D E R**

- (i) Applicant in connection with C.R. No. 219/2024 registered with Jinsi Police Station for the offences punishable under Sections 22(B), 29, 8(c) of the Narcotic Drugs and Psychotropic Substances Act and Sections 18(A), 18(c), 27(B)(II) of the Drugs and Cosmetic Act, be released on bail on furnishing PB and SB of Rs. 20,000 (Rupees Twenty Thousand Only) with one solvent surety in the like amount.
- (ii) He shall not contact the witnesses directly or indirectly.
- (iii) He shall not interfere with the evidence in any manner whatsoever.

**(R. M. JOSHI, J.)**