



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

940 ANTICIPATORY BAIL APPLN NO. 177 OF 2025

**SHAIKH NAIEM @ TIRRI SHAIKH MOHAMMAD
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Ms. Falguni Kulkarni h/f.

Mr.C.C.Deshpande

APP for Respondent-State : Mr.A.A.A.Khan

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 04.03.2025

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No. 610/2024, registered at Vaijapur Police Station, District Aurangabad, for the offence punishable under Section 8 (C) and 20 (b) (ii) of Narcotic Drugs and Psychotropic Substance Act.

3] This Court, by order dated 10.02.2025, has granted interim protection in favour of the applicant for the submissions and reasons stated at para nos.3 and 4, as noted below :

3] *The co-accused was found travelling in a car with 11.996 Kgs of Ganja. It is stated that the applicant was one of the person who was travelling in the same vehicle and ran away from the spot when the car was being stopped. Ordinarily this court in cases of anticipatory bail rely upon the statement made by the co-accused for the purposes of investigation. The amount of quantity of Ganja recovery is 11.996 Kgs, which is just beyond the small quantity, and it is also not stated that the applicant is the one who is in business of Ganja and was merely traveling in the car which was transporting the Ganja.*

4] *Considering these two aspects that the Ganja is not either transferred at the instance of the applicant or is sold at his instance and that there are no antecedents against the applicant, the interim protection deserves to be granted to the applicant.*

4] The learned counsel for the applicant submits that the applicant has attended the concerned police station and has co-operated with the investigation.

5] In view of the same, the interim protection granted by order dated 10.02.2025 stands confirmed, in the following terms :

i] The applicant shall attend the concerned police station as and when required by the investigating officer.

ii] 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.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC