



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 BAIL APPLICATION NO. 2174 OF 2024

SIKANDAR SHAIKH KHAWJA
VERSUS
THE STATE OF MAHARASHTRA

.....

Mr. V. S. Wakale, Advocate for Applicant
Mrs. M. N. Ghanekar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 16th JANUARY, 2025

PER COURT :-

1. Applicants apprehends arrest in connection with Crime No. 0131/2024, registered with Vedant Nagar Police Station, Aurangabad for the offences punishable under Sections, 8-C, 21-B, 22-B, 29 of the N.D.P.S. Act and Sections 37(1) and 135 of the Maharashtra Police Act.
2. The first information report indicates that secret information was received with regard to the exchange of hands of contraband articles. Raid was conducted. Co-accused was taken into custody. A contraband articles were seized from him. It is revealed that the said contraband articles are brought by the co-accused for handing over it to the present applicant. Thus, his involvement is found in the crime. Applicant came to be arrested on 10th August, 2024. This is a regular bail application.

3. Learned counsel for the applicant submits that from the charge-sheet it cannot be said that the contraband articles seized from the co-accused are of commercial quantity. It is his further submission that the seizure panchnama indicates that nothing is seized at the instance of the applicant. He claims that applicant has no criminal history and as such bail is sought.

4. Learned APP opposed the application by citing seriousness of the crime. She drew attention of the Court to the evidence on record which according to her connects the applicant with the crime.

5. Since, the charge-sheet is filed, for the purpose of further investigation, custody of the applicant is not required. Further *prima facie* it is seen that the contraband articles are seized from the co-accused and not from the present applicant. He has no criminal history and is not likely to flee from justice. Hence, application is allowed in following terms:

ORDER

i) Applicant be released on bail, on furnishing PB and SB of Rs.15,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,

(a) He should not tamper with the prosecution

witnesses.

(b) He shall attend the Police station as and when called on written notice by the Investigating Officer.

(R. M. JOSHI, J.)

ssp