IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4764 OF 2024

Harsh Anil Singh)
Age : 19 Years, Occu. : Student,)
Residing at – A – 702, Regent Court,)
Raheja Reflection, Thakur Village,)
Borivali (East), Mumbai – 400 066.) … Petitioner

Versus

1. The State of Maharashtra)
(Through Samta Nagar)
Police Station, Kandivali(East),)
Mumbai.)
)
2. Mr. Santosh Tanaji Supekar)
Age : 32 Years,)
Occu. : Police Constable)
Attached to Samta Nagar Police Station) … Respondents

Shravan Giri a/w Sachin Gosai, for the Petitioner.

Ms. Gauri S. Rao, A.P.P., for the Respondent No.1 - State.

API - Amol Tanpure, Navghar Police Station, is present.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

DATE : 19TH DECEMBER, 2025.

ORAL JUDGMENT (Per Revati Mohite Dere, J.) **:-**

1. Heard learned Counsel for the parties.

2. **Rule.** Rule is made returnable forthwith with the consent of the parties and the Petition is taken up for final disposal. Learned A.P.P. waives notice on behalf of the Respondent Nos. 1 and 2.

3. By this Petition, the Petitioner seeks quashing of the FIR registered vide C.R.No. 538 of 2023 with the Samta Nagar Police Station, Mumbai for the alleged offences punishable under Sections 8(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act; Chargesheet; and the Proceeding pending before the learned Metropolitan Magistrate 17th Court, Borivali, Mumbai, being C.C. No. 1707846 of 2023.

4. Learned Counsel for the Petitioner states that, there is no iota of evidence in the Chargesheet, pointing to the complicity of the Petitioner. He submits that neither was the cigarette which

the petitioner was allegedly smoking seized nor the blood report of the Petitioner taken nor there is a C.A. report to suggest that the Petitioner had consumed a narcotic substance.

5. Learned A.P.P. opposed the Petition.

6. Perused the Petition / papers. The Petitioner is a student aged 19 years, studying B.Tech -Electronics and Communication Engineer.

7. According to the prosecution i.e. original complainant, the incident took place on 11.08.2023. The First Informant has alleged that whilst patrolling at about 20:15 hrs. when he went to the parking area of the building Raheja Reflection, Thakur Village, Kandivali, Mumbai he found one person sitting in the corner smoking cigarette. He has stated that the said cigarette looked like it contained a contraband, pursuant to which, he called two panchas and informed the Senior P.I. performing the day duty. Accordingly, the panchanama was drawn. According to the first informant, the Petitioner had in his hand a small piece of cigarette.

It appears that thereafter, the first informant took him to a government hospital and thereafter, the Petitioner was arrested. On the very same day the police enlarged the Petitioner on bail on accepting surety and P.R. Bond.

8. Admittedly, the cigarette which the Petitioner was allegedly consuming was not recovered, as a result of which, the same could not be sent to the C.A. There is no blood report of the Petitioner to show that he had consumed *Ganja*. Infact, there is nothing on record to show that the Petitioner was smoking or consuming *Ganja*.

9. In this view of the matter and considering the aforesaid facts, no offence as alleged against the Petitioner is disclosed. Accordingly C. R. No. 538 of 2023 registered with the Samta Nagar Police Station, Mumbai for the alleged offences punishable under Sections 8(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act and consequently, the Chargesheet and the proceeding pending before the learned Metropolitan

Magistrate 17th Court, Borivali, Mumbai in C.C. No. 1707846 of 2023 are hereby quashed and set aside.

10. **Rule** made is absolute on the aforesaid terms.

11. Petition is disposed of accordingly.

12. All concerned parties to act upon an authenticated copy of this Order.

(SANDESH D. PATIL, J.) ***(REVATI MOHITE DERE, J.)***

VDMokal