

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1506 OF 2024

Abdul Kayyum Abdul Majid Khan .. Applicant

Versus

The State Of Maharashtra .. Respondent

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- Mr. Altaf Khan a/w Mr. Mazhar Khan, Advocates for Applicant.
- Ms. Shilpa K. Gajare-Dhumal, APP for State.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2025

P. C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Applicant is incarcerated for 3 years and 4 months in an offence under the provisions of NDPS Act for being apprehended in conscious possession of 60.90 grams of alleged contraband i.e. Mephedrone (MD) which is the commercial quantity. Applicant is arrested on 2nd November, 2021.
- 3.** Learned Advocate for Applicant would submit that absconding Accused no.2 was the supplier of said contraband who had given said contraband to Applicant for effecting delivery. Applicant has two criminal antecedents but not in connection with NDPS offences but other offences as informed by the Advocates for Applicant.
- 4.** One of the major defence of Applicant is that on being apprehended his consent for search was taken on the said letter and

there is apparent dichotomy and discrepancy which exists. He would submit that at page No.71 of the Application, the date of consent is 2nd October, 2021 whereas according to him the consent was taken almost one month later. Therefore, apparent dichotomy is *prima facie* seen on the face of the record.

5. Learned APP shall take appropriate instructions on the aforesaid dichotomy and submissions made by the learned Advocate for Applicant and inform the Court on the next adjourned date.

6. Stand over to **27th March, 2025 (at 02:30 pm)**.

[MILIND N. JADHAV, J.]