

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2203 OF 2024

Altamash Yusuf Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

WITH
BAIL APPLICATION NO.2204 OF 2024

Atik Hamid Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Kamlesh Satre, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent – State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.
DATE : FEBRUARY 10, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Satre, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent – State of Maharashtra.
- 3.** These are Applications seeking Bail in connection with C.R. No.03 of 2023 registered with ANC, Bandra Unit for offences punishable under Sections 8 (c), 22 (c) and 29 of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**').
- 4.** They are apprehended with 80 grams of Mephedrone which is admittedly commercial quantity.

5. Mr. Satre would submit that the name of Accused No.3 is disclosed by Accused No.1 who was apprehended by Officers of Narcotics Control Bureau with 80 grams of alleged contraband.

6. Mr. Satre would argue that there is apparent transgression of provisions of Section 42 of NDPS Act in the present case. He would submit that statement of Accused No.1 has not been reduced in writing and it is not part of charge-sheet and therefore arrest and detention of Accused No.3 is contrary to the provisions of Section 42. He would submit that the charge-sheet is appended to the Application.

7. Mr. Dedhia, learned APP appears for Respondent – State of Maharashtra. The concerned Investigating Officer shall place on record statement of Accused No.1 which discloses the name of present Applicant before me i.e. Accused No.3 on the next adjourned date and accordingly apprise the Court through the learned APP.

8. Stand over to **26th February, 2025 at 02:30 p.m.**