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
State of Maharashtra .. Respondent

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- Mr. Kamlesh Satre, Advocate for Applicant in Bail Application No.2203 of 2024.
- Mr. Atul Sarpande a/w. Mr. Pranay Saraf, Mr. Nilesh Banger, Advocates i/by Mr. Kamlesh Satre for Applicant in Bail Application No.2204 of 2024.
- Mr. Hitendra J. Dedhia, APP for Respondent.
- Mr. Shrikant Karkar, API, ANC Bandra Unit.

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CORAM : MILIND N. JADHAV, J.
DATE : FEBRUARY 26, 2025

P.C.:

1. Heard Mr. Satre, learned Advocate for Applicant in Bail Application No.2203 of 2024; Mr. Sarpande, learned Advocate for Applicant in Bail Application No.2204 of 2024 and Mr. Dedhia, learned APP for Respondent.

2. Both Applicants before me are arraigned as Accused Nos.1 and 3 in the Bail Applications before me.

3. Mr. Satre, learned Advocate appears for Accused No.3 and

Mr. Sarpande, learned Advocate appears for Accused No.1. Since both are indicted in same crime, a common order is passed.

4. Mr. Satre would draw my attention to page No.62 of the Application and would submit that specific information was received by prosecution at 15:10 hours on 12.02.2023 which was noted down by API – Gaikwad. However, the First Information Report (for short '**FIR**') which is appended at page No.26 when read shows that said information is attributable to Police Inspector – Chavan.

5. He would submit that Officer who received information is required to convey the said information as also *prima facie* when the FIR is read there is a clear dichotomy because it attributes receipt of said information to Police Inspector – Mr. Chavan.

6. Mr. Dedhia is directed to take appropriate instructions and file appropriate Affidavit to explain the aforesaid position to enable the Court to consider the case of the Applicant for bail.

7. In so far Bail Application No.2204 of 2023 is concerned, Mr. Sarpande would draw my attention to page No.45 of the Application and would submit that *prima facie*, there is non-compliance of Section 50 of the of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**'). He would place before Court the decision of this Court in the case of ***Sharib Iqbal Ansari Vs. State Of Maharashtra***[1] to submit that

1 Bail Application No.363 of 2025 decided on 18.02.2025.

case of Applicant namely Accused No.1 is covered by the aforesaid decision if page No.45 is perused.

8. Mr. Dedhia is directed to take appropriate instructions on the aforesaid submissions of Mr. Surpande and accordingly apprise the Court on the next adjourned date.

9. Considering the aforesaid issue, stand over to **12th March, 2025** for hearing and orders. To be placed on '**Supplementary Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT

Digitally signed by HARSHADA HANUMANT SAWANT
Date: 2025.02.26 18:39:31 +0530