

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2316 OF 2024

Shahrukh Daulat Khan

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Ms. Ashwini Achari a/w. Mr. Taraq Sayed, Advocates for Applicant.
- Ms. Mahalakshmi Ganpathy, APP for Respondent – State of Maharashtra.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 28, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Ms. Achari, learned Advocate for Applicant and Ms. Ganpathy, learned APP for Respondent – State of Maharashtra.
- 3.** This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with First Information Report No.218 of 2023 (for short 'FIR') registered with Badlapur Police Station for offences punishable under Sections 8(c), 20(B)(ii)(c) and 29 of Narcotics and Psychotropic Substances Act, 1985 (for short 'NDPS').
- 4.** Applicant is indicted as Accused No.2. He is incarcerated since August-2023. The contraband in question is recovery of 80 grams of ganja from the panel of the car. Learned Advocate for

Applicant would submit that Applicant claims to be a freelance driver offering services and he was engaged by the principal Accused No.1 to drive the car from Bombay to Odisha and on his way the car was intercepted on specific information at Badlapur. Accused No.1 is the owner of the car. He alongwith present Applicant was in the car when they were apprehended and subsequently arrested. She would submit that in so far the Applicant is concerned he was not aware about the concealment of the contraband in the car panel and Applicant had no role to play whatsoever since the car belonged to Accused No.1 and it was he who hired services of the Applicant. She would submit that the said alleged contraband was already hidden in the panel of the car before Applicant taking over to drive the same.

5. Ms. Ganpathy, learned APP shall take appropriate instructions from the concerned Investigating Officer. Considering the long incarceration of the Applicant in the above facts, the Application will be heard on **03rd February, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.01.28
17:38:05 +0530