

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2464 OF 2024

Mohd. Moinudin Ashraf Shaikh ...Applicant

VERSUS

The State of Maharashtra ...Respondent

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Mr. S. Syed, Advocate for the Applicant.

Mr. S. S. Chaudhari, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 18.02.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 1162 of 2023 registered at Virar Police Station, Dist- Mira-Bhaindar, Vasai Virar for the offences punishable under Sections 8(c), 21(c) & 29 of the Narcotic Drugs and Psychotropic Substances Act.
3. The bail is sought on the ground of parity. In support of the submission, the learned counsel for the applicant has placed on record a copy of the order passed by this Court dated 10.02.2025 in Criminal Bail Application No.4535 of 2024. By the said order, this Court has released the co-accused Mohammad Shaikh on bail with the following finding:

“13”. *“In the case in hand, I am satisfied on reading the trap panchanama that the above provisions under Section 50 of the NDPS Act are not followed. Hence the recovery is vitiated even though it being a commercial quantity”.*

4. In view of the above finding, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 1162 of 2023 registered at Virar Police Station, Dist- Mira- Bhaindar, Vasai Virar for the offences punishable under Sections 8(c), 21(c) & 29 of the Narcotic Drugs and Psychotropic Substances Act, on furnishing P.R Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

C] The applicant shall not influence any witness or tamper with the evidence in any manner;

D] The applicant shall co-operate with the conduct of trial and attend the Trial Court on all hearing dates, unless specifically exempted and will not take any unnecessary adjournments. If he does so it will entitle the prosecution to apply for revocation of this order;

E] The applicant shall not leave the State of Maharashtra without prior permission of Trial Court;

F] The applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time as applicable; and

G] Any infraction of the conditions shall entail cancellation of bail granted to the applicant.

H] The Registrar Judicial shall inquire into as to how the Bail Application No.4535 of 2025 was placed before a Co-ordinate Bench.

5. Application stands disposed of accordingly.

(N. R. BORKAR, J.)