

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

CRIMINAL BAIL APPLICATION NO. 3172 OF 2024

Gani Abbas Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Vivek Arote a/w Mr. Akshay Dingale , Advocate for the Applicant.

Mrs. Veera Shinde, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	09th JANUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 258 of 2023 registered with Taloja Police Station, Navi Mumbai for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”).
3. According to the prosecution, on the date of incident which took place on 03.08.2023, the present applicant and other co-accused were apprehended and 63 grams of

Mephedrone was found in their possession. Out of 63 grams, 53 grams of contraband was found in possession of the present applicant.

4. The learned counsel for the applicant submits that there is non compliance of Section 42(2) of the NDPS Act. It is submitted that the weight of the contraband was done along with plastic bag in which it was kept. It is submitted that there is no C.A. report till today to show that alleged contraband was Mephedrone. It is further submitted that the applicant is in jail for one and half years and there is no likelihood of trial getting concluded in near future. It is thus submitted that applicant may be released on bail.

5. On the other hand learned A.P.P for the Respondent-State submits that the applicant and co-accused were found in possession of commercial quantity of contraband. It is submitted that the applicant is involved in one more crime of similar nature, and if the applicant is released on bail, possibility of committing the similar crime cannot be ruled out. Learned A.P.P submits that in such circumstances there is a bar under Section 37 of the NDPS Act to grant bail.

6. The learned counsel for the applicant has not disputed the involvement of the applicant in one more crime of similar nature. Considering the said fact and as the commercial quantity was found in possession of the present applicant, I am not inclined to release him on bail. The application is rejected.

7. The trial Court shall endeavour to conclude the trial expeditiously.

(N. R. BORKAR, J.)