

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

CRIMINAL BAIL APPLICATION NO. 3223 OF 2024

Mohammad Wasim Qureshi
S/o Mohammad Shafi Qureshi ...Petitioner

Versus

The State of Maharashtra ...Respondent

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Mr. Hamza Lakdawala a/w Mr. Mohammad Najmi, Mr. Yogendra Koli, Advocate for the Applicant.

Mr. Vinod Chate, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 17th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 106 of 2024 registered at Panvel City Police Station, District : Navi Mumbai for the offences punishable under Sections 20(b), 20(b)(ii) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. On the basis of the secret information, on 05.03.2024, the car of the present applicant was intercepted and the applicant was found in possession of 61 Kg. 200 Gms. of Ganja.

4. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged contraband. It is submitted that he was hired as a driver of the car in question. It is further submitted that there is non-compliance of the mandatory provisions. It is further submitted that the applicant is in jail for approximately nine months and there are no criminal antecedents against him.

5. On the other hand, the learned A.P.P. submits that there is a statement of the car owner which shows that the car in question was hired by the present applicant. It is submitted that the present case is of commercial quantity and in such cases there is a bar to grant bail unless the conditions mentioned u/s 37 of the NDPS Act are satisfied.

6. I have perused the statement of the car owner Jayesh Dattataram Koli. He has stated that car was hired by the present applicant. *Prima facie* there appears to be compliance of all mandatory provisions under the NDPS Act. I am therefore not inclined to release the applicant on bail.

7. The application is rejected and stands disposed of accordingly.

(N. R. BORKAR, J.)