

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3364 OF 2024**

Julekha Mohammed Hussain Qureshi	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

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Mr. Zoheb Shaikh , Advocate for the Applicant.

Mr. C. D. Mali A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 04.02.2025.

P.C.:

1. This is an application for bail.

2. The applicant came to be arrested in Crime No. 11 of 2023 registered at Yerawada Police Station, Dist-Pune for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) .

3. On the date of incident, which took place on 04.01.2023, the co-accused in the present crime were apprehended and 100 grams 380 miligrams Mephedrone (M.D) was found in their possession. According to the prosecution the said contraband was purchased by the said co-accused from the present applicant.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that that there is no admissible evidence to connect the applicant with the alleged crime. It is further submitted that there is no recovery of any contraband at the instance of the present applicant. It is submitted that the applicant is in jail for two years and the trial has not commenced.

6. On the other hand, the learned APP for the respondent-State submits that the applicant is involved in serious offence. It is submitted that commercial quantity of the contraband was found in possession of the co-accused. It is submitted that there are CDR to show that the co-accused were in the contact of the present applicant.

7. The learned APP further submits that the applicant is involved in three crimes of similar nature.

8. The learned counsel for the applicant submits that the applicant has already been acquitted in two crimes.

9. Admittedly, there is no recovery of contraband at the instance of present applicant. The only admissible incriminating evidence against the present applicant is call records. However, there is nothing to connect the applicant with the mobile number mentioned in the C.D.R. The applicant is in jail for two years and the trial has not commenced. In that view of the matter, 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. 11 of 2023 registered at Yerawada Police Station, Dist-Pune for the offences punishable under Sections 8(c), 22(c) and 29 of the NDPS Act, 1985, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicants shall not enter into the limits Pune District till the conclusion of the trial, except to attend the dates before the trial Court.

D] The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release twice in a month, i.e., on first & third Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

E] The applicant shall not commit any other crime.

10. Application stands disposed of accordingly.

(N. R. BORKAR, J.)