

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3609 OF 2024

Mehboob Aziz Pathan .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Lochan P. Chandka, Advocate for Applicant.
 - Ms. Mahalakshmi Ganapathy, APP for Respondent – State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 06, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Ms. Chandka, learned Advocate for Applicant and Ms. Ganapathy, 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 C.R. No.360 of 2023 registered with Shil Daighar Police Station for offences punishable under Section 8 (c) read with Sections 22 (c) and 29 of the Narcotics and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).
- 4.** The dichotomy which is seen by the Court is that the station diary entry appended at page No.47 on receiving the intelligence input if compared with the pre-trap panchnama at page No.29 of the

Application are contradictory.

5. Ms. Chandkar would inform the Court that apparent reference in the station diary is with respect to a suspect who is not described, but the pre-trap panchnama which is prepared prior to effecting the raid clearly depicts all details of the Applicant before the Court.

6. Applicant is apprehended with alleged contraband weighing 150 grams of Mephedrone which is commercial quantity.

7. However the aforesaid dichotomy having been noticed by the Court, learned APP shall obtain instructions from concerned Investigating Officer as the same is *prima facie* a suspect in that case and apprise the Court on the next adjourned date.

8. Stand over to **13th February, 2025**. To be placed on 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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