

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3713 OF 2024

Abdul Gani Abdul Latif Jivani

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Ms. Munira Palanpurwala a/w Kainat Sayed for Applicant
- Mr. Balraj B. Kulkarni, APP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 31, 2025

P. C.:

1. Mentioned at the time of rising.
2. Heard.
3. Indictment of the Applicant before me is by a chance recovery on the road in a public place. Contraband recovered is 52 grams of Mephedrone. Seizure panchnama is appended at page No. 26 whereas inventory panchnama is appended at page No. 29 of Application, perusal of which shows that actual weight of the contraband recovered is 52 grams and along with packet it is 65 grams.
4. Ms. Palanpurwala would draw my attention to page No. 100 which is the certificate issued by Magistrate when the contraband was weighed and it is seen that the weight of 52 grams can be seen on the

weighing scale along with the polythene bag / packet encompassing the alleged contraband. She would submit that in that view of the matter, Applicant having been incarcerated for 20 months may be released on bail. She would vehemently submit that Applicant has four antecedents but in all four cases Applicant was apprehended for possessing intermediate quantity of the same contraband and has been released on bail.

5. Learned APP is directed to take appropriate instructions in view of the aforesaid dichotomy as existing between the inventory panchnama and the certificate issued by Magistrate as delineated herein above and apprise the Court on the next adjourned date.

6. Stand over to **4th February, 2025**. To be placed First on Board under the caption "**Part-Heard**".

[MILIND N. JADHAV, J.]

Amberkar

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