

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4288 OF 2024

Nadeem Mohammed Shah

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Ms. Munira Palanpurwala, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 02, 2025

P.C.:

1. Heard Mr. Palanpurwala, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent.

2. Case of prosecution is that Applicant is indicted for offences under Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). Primary grievance expressed by Ms. Palanpurwala is that intelligence information was received by Police Constable Mr. Sanjay Avhad at 20:45 hours but same has been forwarded to superior officer as contemplated under Section 42(2) of the NDPS Act by police sub-inspector – Sharad Nanekar.

3. That apart, she would submit that the information was received by Police Constable – Mr. Avhad at 20:45 hours, but forwarding of the information to the superior officer *prima facie* shows that information was received at 05:00 a.m. in the morning. She

would submit that Applicant is incarcerated for past one and half year for having been apprehended with admittedly commercial quantity of alleged contraband namely one and half kilograms of Charas. Case made out by Applicant which is *prima facie* covered by decisions of this Court in the case of ***Faisal Bin Saber Vs. Dharmendra Kumar Rajput Senior Intelligence Officer and Anr.***¹.

4. Learned APP shall ascertain the veracity of statements made by Ms. Palanpurwala from prosecution case and accordingly apprise the Court on the next adjourned date.

5. Considering that Applicant is having no antecedents and request made by Ms. Palanpurwala is only child of parents and both parents have suffered a paralytic stroke, Application for bail should be heard on the next adjourned date which shall be noted by prosecution.

6. Stand over to **23rd April, 2025**. To be placed on the 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

1 Bail Application No.4439 of 2024 decided on 10.03.2025.