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

CRIMINAL BAIL APPLICATION NO. 4297 OF 2024

Mohd. Sahil Siddique Shaikh

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Ms. Munira Palanpurwala, Advocate for Applicant.
- Mr. R. M. Pethe, APP for Respondent – State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2025.

P.C.:

1. Heard Ms. Palanpurwala, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent – State.

2. This is an Application under Section 439 of the Code of Criminal Procedure, 1973 seeking Regular Bail in connection with C.R.No.138 of 2022 registered with ANC Bandra Unit for the offences punishable under Sections 8(c), 22(b) and 22(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short “**NDPS Act**”)

3. Ms. Palanpurwala would submit that there is apparent non-compliance of the provisions of Section 42 read with 50 of the NDPS Act in the present case in as much as when Applicant was intercepted in a chance recovery only 8 bottles of Codeine Phosphate and Chlorpheniramine Maleate Syrup (contraband) was seized from his conscious possession.

4. However Ms. Palanpurwala would submit that according to the prosecution case Applicant has led the raiding team to a place being described Room No.227, Nargis Dutt Nagar, Lalmatti, Bandra (West), Mumbai from where substantial quantity of the contraband namely 300 bottles has been recovered. Ms. Palanpurwala's submission is that the said place does not belong to the Applicant and Applicant has no nexus with the same.

5. Copy of the Application shall be served on the Respondent – State by the Advocate for Applicant.

6. Mr. Pethe, learned APP is directed to take appropriate instructions from the concerned Investigating Officer and apprise the Court on the next adjourned date.

7. Stand over to **20th March, 2025.**

[MILIND N. JADHAV, J.]

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