

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.405 OF 2025

Rabiabi Altaf Ali Jaffery

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Ms. Lochan P. Chandka, Advocate for Applicant.
- Mr. D. J. Haldankar, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 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 Mr. Haldankar, learned APP for Respondent.
- 3.** Applicant is indicted for offences punishable under provisions of Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') for being apprehended and being in possession of non-commercial quantity of 3 kilograms and 20 grams of ganja, the commercial quantity being 20 kilograms. She would submit that Applicant is arraigned as Accused No.3 and disclosure of her name has been made by Accused No.5. However she would submit that if statement of Accused No.5 is seen, he has led the prosecution team to house No.102 and from that room the alleged contraband has been recovered and seized.

4. She would submit that at the time of prosecution raid on the said room No.102, Applicant was found inside the room. She would submit that the room does not belong to Applicant and neither prosecution has investigated as to whom the said room belonged to. She would submit that Applicant is a housewife and has no antecedents. She has 2 children to provide care and support and considering her incarceration of 1 year, that rigour of Section 37 of the NDPS Act in the present case would not apply, would request the Court to consider the case of Applicant being a lady. Prosecution shall consider the aforesaid submissions and apprise the Court on the role of the Applicant in the crime on the next adjourned date.

5. Stand over to **11th March, 2025**. To be placed on the **‘Supplementary Board’**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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