

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 512 OF 2025

Shoeb Kamjad Khan

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Mithilesh Mishra a/w Mr. Anurag Mishra, Advocates for Applicant.
- Mr. Hitendra J. Dedhia, APP for State.
- Mr. Shivshankar Bhosale, API, Dindoshi Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 13, 2025

P. C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Pursuant to the order dated 06.02.2025, Mr. Dedhia, learned APP would place on record report dated 11.02.2025 issued by concerned Investigating Officer annexing a copy of the Prisoners Medical Report dated 11.02.2025 issued by Chief Medical Officer, Thane Central Prison.

2.1. Reading of said medical report clearly shows that on 17.04.2024 Applicant has undergone treatment for heart related ailment. It is seen that when he was admitted to Sir J.J. Group of Hospital, Mumbai for a period 10 days he had undergone coronary angiography and suggestive of angiography Applicant undergone IVUS

TO LM LAD (Angioplasty) on 26.04.2024 and thereafter done visiting follow-ups with the said Hospital.

2.2. Report states that except for the cardiac OPD and Cardiology department which has given him treatment he has other issues relating to urology but he has not been given treatment by the urology OPD.

2.3. Recently, applicant has been diagnosed with original Rt Renal Calculi in a K/CO HfrEF/ECMP/EF 38% and procedure was conducted for Rt DJ stenting for RT calculi under SA on 21.12.2024 for which he was admitted in the hospital once again.

3. Apart from the aforesaid medical issue which is *prima facie* evident from the report of the Chief Medical Officer, Thane Central Prison, Thane, Mr. Mishra would also persuade me to consider Bail Application of Applicant on merits in view of the strong facts of the present case. He would submit that recovery of the alleged contraband of 250 grams of Mephedrone is from a garage according to investigation / intelligence report received by the prosecution Officers, a place which does not exist.

4. Learned APP shall take appropriate instructions from the Investigating Officer on the aforesaid submissions made by Mr. Mishra

since if it is true then it would clearly amount to transgression of the provisions of Section 42 and Section 50 of the NDPS Act in such a case.

5. In view of the above observations, I am inclined to take up this matter for hearing on the next adjourned date on which date this Court shall hear the prosecution and pass appropriate orders.

6. Stand over to **18th February, 2025 (F.O.B).**

PR. Rajput

[MILIND N. JADHAV, J.]