

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.512 OF 2025

Shoeb Kamjad Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Mithilesh Mishra, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent.
 - Mr. Shrikant Balaji Korewar, PSI, Pairavi Officer, Malvani Police Station.
 - Mr. Shivshankar Bhosale, API, Investigating Officer, Malvani Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 28, 2025

P.C.:

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

2. Mr. Mishra would submit that Applicant is apprehended on the disclosure statement of Accused Nos.1 and 2 who were apprehended in a chance recovery with intermediate quantity of the alleged contraband namely Mephedrone. Disclosure statement of Accused Nos.1 and 2 is that they had purchased the alleged contraband from present Applicant who is arraigned as Accused No.3. In continuity with memorandum panchanama, the Investigating Officer raided the premises of Applicant. The said premise is house of Applicant which is a bungalow and on undertaking search substantial

commercial quantity of contraband was recovered from the garage / parking space where the Applicant would park his vehicle / car.

3. Mr. Mishra has pleaded before the Court that the alleged garage which is stated in the memorandum panchanama leading to seizure of the alleged contraband and subsequent arrest of Applicant does not exist. In support he has shown to the Court a copy of sanctioned plan of the said premises / bungalow belonging to Applicant to contend that there is no garage in existence where the same can be seen.

4. To counter the submissions of Mr. Mishra on instructions Mr. Dedhia would submit that if Applicant places all details on record they will be allowed to investigate and thereafter would apprise the Court.

5. Mr. Mishra is directed to file appropriate Affidavit placing on record all such material in support of Applicant's case which is delineated hereinabove including copy of the Agreement for sale / sale deed of the alleged premises from where the contraband has been seized so as to enable the prosecution to conduct investigation and apprise the Court. Mr. Mishra undertakes to file Affidavit by 03.03.2025. Copy of the same shall be given to the prosecution.

6. Investigating Officer is directed by the Court to take appropriate steps and carry out investigation and apprise the Court on the contents of the Affidavit that would be filed to enable the Court to

determine the present Bail Application on its merits.

7. Considering the medical condition of Applicant, present Bail Application is been heard. Mr. Mishra has also persuaded the Court and would submit that he has received instructions to submit that the medical condition of Applicant has deteriorated while he is presently in incarceration. Though the precarious medical condition of the Applicant has been noted by the Court, because of which present Bail Application has been taken up for hearing, in view of the request made by Mr. Mishra, the concerned Jail Authorities and Chief Medical Officer of Thane Central Prison are directed by the Court that if the medical condition of the Applicant has been deteriorated, he shall be provided immediate medical care and admission to the Hospital, if so required.

8. Stand over to **07th March, 2025** for hearing. To be placed on 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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