

HARSHADA H. SAWANT  
(P.A.)

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

**BAIL APPLICATION NO.734 OF 2025**

Mohd. Hussain Abdullal Khan

.. Applicant

**Versus**

State of Maharashtra

.. Respondent

.....

- Ms. Ashwini Achari, Advocate for Applicant.
- Ms. Megha S. Bajori, APP for Respondent.

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : FEBRUARY 21, 2025**

**P.C.:**

**1.** Heard Ms. Achari, learned Advocate for Applicant and Ms. Bajori, learned APP for Respondent.

**2.** Applicant before me is indicted as Accused No.3 for offences punishable under provisions of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**'). According to Applicant's case, Accused No.2 was seen handing and giving possession of alleged contraband to Accused No.1 and mere presence of Accused No.3 at the incident spot is his defence.

**3.** Ms. Achari would submit that there is no nexus whatsoever between Applicant – Accused No.3 and Accused Nos.1 and 2.

**4.** Prosecution is directed to take appropriate instructions on the aforementioned submissions made by Ms. Achari and apprise the Court on the next adjourned date with respect to complicity of Accused

No.3 in the present crime.

**5.** Ms. Achari would inform the Court that Accused Nos.1 and 2 have both been granted bail.

**6.** Ms. Bajoria, learned APP would inform the Court that they have been granted bail due to non-compliance of Section 52A of the NDPS Act. The position shall be examined by the Court accordingly.

**7.** Stand over to **28<sup>th</sup> March, 2025.**

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

HARSHADA  
HANUMANT  
SAWANT

Digitally signed by  
HARSHADA  
HANUMANT  
SAWANT  
Date: 2025.02.21  
14:19:24 +0530