

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1194 OF 2025

Aamir Atik Shaikh Khan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Ms. Kainat Sayed, Advocate i/by Ms. Munira Palanpurwala for Applicant.
- Mr. Rushikesh M. Pethe, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P.C.:

1. Heard Ms. Sayed, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent.

2. Applicant is arraigned as Accused No.4 in offence punishable under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS Act**'). The name of Applicant has been disclosed in an enquiry under Section 67 of the NDPS Act by one of co-accused involved in the present crime. The material on which prosecution has based this case is money trail linking bank account of Applicant to some of the co-accused persons.

3. Ms. Sayed would persuade the Court to consider the fact that is Applicant is a car dealer by profession, there has been no conscious possession of contraband found in his possession. That apart, the money trail which prosecution is referring to and relying upon is not

attributed to alleged contraband in question. She would submit that indictment of Applicant for past 11 months having been arrested and incarcerated is solely on the basis of statement of co-accused persons recorded under Section 67 of the NDPS Act and thus there can be no admissibility of such statement as they are directed under Section 25 of the Indian Evidence Act.

4. She would refer to and rely upon the decision in the case of *Tofan Singh Vs. State of Tamil Nadu*¹ and would persuade the Court to consider the case for grant of bail.

5. *Prima facie* if what is submitted by Ms. Sayed is correct then a case for grant of bail is made out. Advocate for Applicant is directed to serve Copy of Application on Respondent.

6. Mr. Pethe, learned APP enters appearance on behalf of Respondent and waives service on behalf of Respondent.

7. Learned APP shall take cognizance of submissions made by Ms. Sayed.

8. Considering the aforesaid submissions and facts , list the Bail Application on **24th April, 2025**. To be placed on the ‘**Supplementary Board**’.

1 (2021) 4 SCC 1.