

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1505 OF 2025

Sohail Ajgar Baig .. Applicant
Versus
State of Maharashtra .. Respondent

-
- Mr. Yash Pulekar, Advocate i/by Mr. Anil G. Lalla for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 17, 2025

P.C.:

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

2. Applicant is apprehended in offences punishable under provision of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**').

3. Recovery of alleged contraband is at the behest of Applicant from premises pointed out by the Applicant. When Applicant was arrested no conscious possession of contraband was recovered from him. His name has been disclosed by other co-accused persons for being complicit in the offence.

4. Mr. Pulekar would submit that other co-accused persons have been granted bail. He would persuade the Court to consider the fact that 50 grams of alleged contraband shown to be recovered from

Applicant is intermediate and not commercial quantity since description of the alleged contraband needs to be precisely specified

5. *Prima facie* when it is case of prosecution that 50 grams of alleged contraband is recovered and the said contraband is contained in a pouch / polythene bag / plastic bag etc. it would otherwise mean that the actual quantity of contraband recovered would be intermediate quantity.

6. He would therefore submit that rigours of Section 37 of the NDPS Act would not apply to the case of Applicant. Applicant is arrested on 28.02.2024.

7. Learned APP shall take appropriate instructions and ascertain the veracity of submissions made by Mr. Pulekar and accordingly apprise the Court on the next adjourned date when present Bail Application shall be considered by the Court.

8. Stand over to **27th June, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.04.17
18:38:24 +0530