

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1552 OF 2025

Nooruddin Salauddin Qureshi @ Malik .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Amol M. Thombre, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 21, 2025

P.C.:

1. Heard Mr. Thombre, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.12 of 2019 registered with Nirmal Nagar Police Station for offences punishable under Sections 8(c) and 22(b) of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**').

3. Applicant is incarcerated in prison since 18.09.2024. He was initially arrested on 04.04.2019 after which he was enlarged on bail. However since Applicant did not attend the date before the Trial Court, the Trial Court was constrained to issue warrant of arrest and Applicant was thereafter arrested on 18.09.2024 pending trial.

4. One of the main grievances stated by Applicant in the

Application and voiced through his Advocate is that Applicant was having a medical ailment and had shifted to his native place at Latur and was staying over there with his parents and was unaware about the trial having been commenced before the Trial Court.

5. In that view of the matter, he would submit that Court consider the present Application with a caveat that Applicant shall attend on all dates of trial.

6. To that extent Mr. Thombre would submit on instructions that Applicant's father has passed away in the interregnum and Applicant's brother lives in Bandra, Mumbai where Applicant will stay until the completion of the trial.

7. Mr. Karmakar, learned APP would submit that what is submitted by Mr. Thombre *prima facie* appears to be true save and except the issue of his exigency and reasons for jumping bail. In that regard, benefit of doubt will have to be given to Applicant. Needless to state that if Applicant re-offends himself once again, Applicant will have to face ignominy in jail.

8. In view of the above *prima facie* observations and the reasons recorded hereinabove Application for bail stands allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on

furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

- (ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;
- (iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;
- (vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vii) Applicant shall not influence any of the witnesses or

tamper with the evidence in any manner; and

(viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. It is clarified that the observations made in this order are limited for the purpose of granting Bail only. They shall not be construed as observations on merit. The trial shall be adjudicated on the strength of evidence led by parties and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

10. Bail Application No.1552 of 2025 is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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