S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 489 OF 2025

Bashir Mohammed Saudagar Usman Gani ...Applicant
VERSUS
State Of Maharashtra ...Respondent

Mr. Gorakh Liman a/w Mr. Praful Valvi, Ms. Harshada Khalana, Ms. Ashwini G. Liman and Mr. Mangesh P., Advocate for Applicant.
Mr. B. B. Kulkarni, APP for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 8th OCTOBER, 2026.

P.C. :

1. Heard learned counsel for the Applicant and learned APP.

2. The challenge in this Revision Application is to the impugned order passed by the learned Special Judge, NDPS, Mumbai, whereby Discharge Application of the Applicant is rejected.

3. It is prosecution's case that on 24/11/2022, the police apprehended the Accused No.1 and from his possession seized 16 grams of Mephedrone. The said quantity is alleged to be commercial quantity. During the course of investigation, it was revealed that the said contraband had allegedly been supplied to Accused No.1 by the present Applicant. It is prosecution's case that both the accused were acting in furtherance of a conspiracy.

4. It is contention of the learned counsel for the Applicant that the Applicant has been falsely implicated in the present case. It is contented that there is no independent, admissible or reliable material against the Applicant to connect him with alleged contraband or with Accused No.1. The Applicant has been falsely implicated solely on the basis of the statement of the Accused No.1. Apart from the said statement, there is no material on record against the Applicant. No CDR or any other evidence is produced to show that Applicant and Accused No.1 were in contact. But, these facts have not been considered by the learned Special Judge and rejected the Application of the Applicant, which is erroneous and requested to allow the Application.

5. It is contention of the learned APP that the statement of Accused No.1 specifically discloses that he had obtained the said drug from present Applicant. The Applicant and Accused No.1 have acted in collusion. There is prima facie case against the Applicant. The learned Sessions Judge has passed well-reasoned order, no interference is required in it and requested to reject the Application.

6. I have heard both learned counsel. Perused impugned order, and documents produced on record.

7. Admittedly, except statement of the Accused No.1, there is nothing produced on record against the Applicant. No contraband was

recovered from the Applicant, nor is there any CDR or other independent evidence placed on record to establish the alleged connection between the Applicant and Accused No.1. It is settled law that the statement of co-accused in absence of any other corroborative and independent evidence cannot by itself be made the sole ground for proceeding against the Applicant. No case is made out against the Applicant. However, these facts have not been considered by the learned Special Judge.

8. In view of above, I pass following order.

ORDER

(i) The Revision Application is allowed.

(ii) The impugned order passed by the learned Special Judge, NDPS, Mumbai, dated 10th September 2025 in Special Case No.493 of 2023 is quashed and set aside.

(iii) The Applicant is discharge in Spl. Case No. 493 of 2023 from the offences punishable under Sections 8(c) read with Section 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

(iv) Application is allowed in the aforesaid terms.

(v) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)