

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 25 OF 2026

Sandip Ajitkumar Shukla

... Applicant

VERSUS

The State Of Maharashtra

... Respondent

Mr. Sahil Morey a/w. Mr. Sunil Totawad, Advocate for Applicant.
Smt. Ranjana D. Humane, APP for the Respondent-State.
PSI – Mr. Paresh Gargade, Versova Police Station, Mumbai, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th MAY, 2026.

P.C. :

1. The challenge in this application is order passed by Special N.D.P.S. Court, 42nd below Exhibit-40 whereby discharge application of the applicant is rejected.

2. It is prosecution's case that on 14.04.2015, police apprehended co-accused and in their possession found 40 gm Mephedrone. It is alleged that the said Mephedrone was provided to the co-accused by the applicant.

3. It is contention of learned counsel for the applicant that the applicant is arrested in the year 2018, after three years of the arrest of the co-accused. In the disclosure statement, the co-accused had stated that

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one person named Sunny had provided Mephedrone to them. No full name of the applicant was given. Only on the statement of co-accused, applicant has been arrested. No document is produced on record to show the involvement of the applicant in the crime. But this fact is not considered by the learned Special Judge and requested to allow the application.

4. It is contention of learned APP that in the arrest panchanama, name of the applicant is mentioned as Sandip Shukla @ Sunny. It shows applicant is the same person whose name was disclosed by the co-accused, evidence is required to show the innocence of the applicant and requested to reject the application.

5. I have heard both the learned counsel. Perused impugned order and documents produced on record. The co-accused disclosed the name 'Sunny' as the person who provided Mephedrone to them. The applicant was arrested after three years of arrest of the co-accused. No document is produced on record to show that the applicant is the same person who was referred as Sunny. Continuing the trial against the applicant would amount to abuse of process of law and I pass following order :

6. The Revision Application is allowed.

ORDER

- i. The applicant is discharged from N.D.P.S. Case

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No. 38 of 2019 pending before the learned

Special Judge, NDPS, Mumbai.

7. The Revision Application is disposed of.

(SHIVKUMAR DIGE, J.)