

Cri.Bail Application in Spl.Case (NDPS) No.535/2023

Shadib @ Shajib Sheikh S/o Ejaz Sheikh

-Versus-

The State of Maharashtra

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ORDER BELOW EXH.6

(Passed on 19th October 2023)

1] This is an application under Section 439 of the Code of Criminal Procedure for regular bail. I have heard learned Advocate for the accused, learned APP and perused charge-sheet.

2] Prosecution case against the accused is that on 06/08/2023 during nakabandhi the white colour Maruti car of the two accused was intercepted, it was transpired that mephedrone drug was being transported and then by following provisions of the NDPS Act action was taken and in the pocket of accused No.1 5.6 gram M.D. powder was found. Therefore, the accused along with their vehicle were arrested, their mobile seized, crime registered and it was transpired that the accused have purchased drug from accused No.3 and therefore, he was also arrested.

3] As per the applicant/accused he has been falsely implicated. Nothing is recovered from him. He was not having conscious possession. Statement of the co-accused is not admissible against him. He is ready to abide by any condition if released on bail.

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4] Learned APP opposed the application and submitted that intermediate quantity of mephedrone powder has been seized. There are three accused in the instant case. Their mobiles are also seized. The accused is resident of Yavatmal, District Yavatmal. Therefore, bail application be rejected.

5] Undisputedly the case is in respect of intermediate quantity for which bar of Section 37 of the NDPS Act is not applicable. The co-accused is released on bail. Therefore, on principle of parity, I pass the following order.

ORDER

- 1] The application is allowed.
- 2] Accused Shadib @ Shajib Sheikh S/o Ejaz Sheikh, be released on bail in Crime No.661/2023 for an offences punishable under Section 8(c), 22(b) and 29 of the N.D.P.S. Act, registered in Tahsil Police Station, Nagpur, on execution of personal bond in the amount of Rs.25,000/- and solvent surety in the like amount.
- 3] The applicant-accused shall attend each and every date before the Court unless his absence is excused by the Court.
- 4] The accused shall not indulge in similar offence while on bail.
- 5] The accused shall not tamper the evidence and threaten any of the prosecution witnesses.

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- 6] At the time of bail, the accused shall submit copy of his adhar card, permanent address proof and mobile number and shall not change them, without intimation to the trial Court.
- 7] Breach of any condition shall result in cancellation of bail.

Date : 19/10/2023

(P.Y.Ladekar)
Special Judge (NDPS
Court) and A.S.J.-3,Nagpur