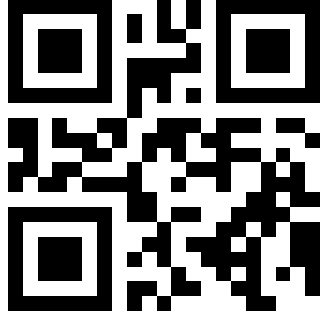


CRI. BA No.2787/2024

..1.. in Spl. Case No.2649/24

MHCC020179712024



Presented on : 02/12/2024

Registered on : 02/12/2024

Decided on : 10/01/2025

Duration : 01 M, 08 Days

**IN THE SPECIAL COURT FOR NARCOTIC DRUG AND  
PSYCHOTROPIC SUBSTANCES ACT, 1985, AT GR. BOMBAY**

**CRIMINAL BAIL APPLICATION NO.2787 OF 2024**

**IN**

**C.R. NO.437 OF 2024**

**IN**

**SPECIAL CASE NO.2649 OF 2024**

**Mr. Mubin Aslam Noorani** )  
**Aged : 32 years, Occ: Supervisor** )  
**R/at : Noori Chawl, Maharashtra Nagar,** )  
**Abdul Hamid Road, near Mangal Murti** )  
**hospital, Malwani (West), Mumbai- 400** )  
**095** ) .. Applicant/Accused

**V/s.**

**The State of Maharashtra** )  
**(At the instance of Dongri police station,** )  
**Mumbai, vide C.R. No.437/2024).** ) .. Respondent/Prosecutor

CRI. BA No.2787/2024 ..2.. in Spl. Case No.2649/24

**Appearance :**

Ld. Adv. Pandey, for applicant/accused.

Ld. APP Mr. B.G. Rajput, for the respondent/prosecution.

**CORAM : SHRI. MAHESH K. JADHAV  
ADDL. SESSIONS JUDGE (C.R.43)**

**DATE : 10/01/2025**

**ORAL ORDER**

This is an application taken out by applicant/accused **Mr. Mubin Aslam Noorani** under section 483 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 for enlarging him on bail in C.R. No.437/2024 (now Special Case No.2649/2024) registered at Dongri police station, Mumbai for the offences punishable under section 8(c) r/w section 20(b) (ii) (b) and section 29 of Narcotic Drug and Psychotropic Substances Act, 1985 (hereinafter referred as "NDPS Act").

2. Perused the application, documents filed therewith, reply of the prosecution and record of NDPS Special Case No.2649/2024. Heard, arguments advanced by Ld. Advocate for the applicant/accused and learned APP.

3. Learned Advocate for applicant/accused submitted that, this is the first bail application taken out by the applicant/accused. No other bail application taken out by the applicant/accused in respect of the present crime is pending in Hon'ble High Court or rejected any superior court. Learned Advocate for applicant/accused argued that, as per the prosecution case on 24/10/2024 during patrolling the co-accused Yusuf Mussa Lakhani and applicant was found in suspicious condition and 415 gram Charas is alleged to be recovered. Therefore,

offence punishable under section 8(c) r/w section 20(b) (ii) (b) and section 29 of the NDPS Act is registered against the applicant/accused and co-accused. Applicant/accused is innocent. He has committed no crime. He was falsely involved in the crime. There is no authorization certificate to conduct the search. The search was conducted by unauthorized officer. There is no independent positive evidence on record to show the nexus between the applicant/accused and co-accused. Therefore, there is no sufficient ground for proceeding against the applicant/accused. The applicant/accused is not having any criminal antecedent. Investigation is completed and charge-sheet is filed bearing NDPS Special Case No.2649/2024. Applicant/accused is resident of Mumbai and he is ready to abide by all terms and conditions which the Court may impose. Therefore, Ld. Advocate for the applicant/accused prayed that, applicant/accused be released on bail.

Ld. Advocate for the applicant/accused kept his reliance on the following citations :

- No.1** *Haji Mohd. Abdul Kadar Bhumedia Vs. The State of Maharashtra, in Bail Application No.378/2022, dated 23.08.2022 of Hon'ble Bombay High Court.*
- No.2** *Aarif Akram Shaikh Vs. State of Maharashtra in Bail Application No.3158/2021, dated 07/02/2023 of Hon'ble Bombay High Court.*
- No.3** *Shamsheer Shammo Mohammed Kuni Vs. The State of Maharashtra, in Bail Application No.2509/2023, dated 01/02/2024 of Hon'ble Bombay High Court.*
- No.4** *Aafrin Salman Shaikh Vs. The State of Maharashtra, in Bail Application No.2907/2023, dated 07/12/2023 of Hon'ble Bombay High*

*Court.*

**No.5** *Rajendra Dattu Jadhav Vs. The State of Maharashtra, in Bail Application No.680/2024, dated 02/05/2024 of Hon'ble Bombay High Court.*

This Court has gone through the observations made therein.

4. On the other hand, Ld. APP Shri. B.G. Rajput submitted that, Charas of 415 gram was recovered from the possession of the accused and co-accused. Release of the applicant/accused may hamper further investigation. Applicant/accused may commit similar offences if released on bail. There are every chances of repetition of crime. Therefore, Ld. APP submitted that, application be rejected.

5. Applicant/accused is alleged to have committed offence punishable under section 8(c) r/w section 20(b) (ii) (b) and section 29 of the NDPS Act.

6. On perusal of charge-sheet it appears that, on 24/10/2024 during patrolling the co-accused Yusuf Mussa Lakhani and applicant was found in suspicious condition and 415 gram Charas is alleged to be recovered. There is no positive material on record to indicate nexus between applicant/accused and co-accused. Now, investigation is completed and charge-sheet is filed. There is no Whats-app chat, CDR, monetary transaction to show nexus of applicant/accused with the co-accused. No material was seen from charge-sheet which indicate involvement of the applicant/accused in conspiracy. The contraband recovered from the accused and the co-accused is of intermediate quantity. There is no bar of Section 37 of NDPS Act is applicable.

7. Personal liberty is most precious of all fundamental rights. There is presumption of innocence unless the guilt is proved. The object of the bail is to secure the attendance of the accused at the trial and the object is neither punitive and preventive. From the material on record prima facie, it appears that, applicant/accused had co-operated during the investigation. Applicant/accused has also undertaken to co-operate during the trial. From prima facie appreciation of the material on record, presence of the applicant/accused is likely to be secured even if he is released on bail. Moreover, interest of the prosecution can be safeguarded by imposing certain conditions. Therefore, considering the above discussion and prima facie appreciation of material on record there appear no necessity for further detention of the accused for facilitating further full and fair investigation.

8. Considering the nature of offence, gravity of offence age and antecedents of the accused and from prima facie appreciation of the material on record release of the accused on bail is not likely to be prejudicial either to fair investigation or to the interest of society at large. Therefore, there appear justifiable grounds for releasing the applicant/accused on bail. As such the present application deserves to be allowed. Hence, the following order.

### **ORDER**

1. Cri. BA No.2787/2024 of applicant/accused **Mr. Mubin Aslam Noorani**, in C.R. No.437/2024 in Special Case No.2649/2024, is allowed.
2. Applicant/accused **Mr. Mubin Aslam Noorani**, be released on bail in C.R. No.437/2024 registered at Dongri police station, Mumbai

for offences under section 8(c) r/w section 20(b) (ii) (b) and section 29 of NDPS Act, 1985 on executing personal bond of Rs.50,000/- only (Rs. Fifty thousand only) with one or more sureties in like amount on the following conditions :

- (a) Applicant/accused shall co-operate the Investigating Officer and shall make himself available for interrogation by concern Investigating Officer as and when required.
- (b) Applicant/accused shall not tamper with prosecution evidence or influence the prosecution witnesses in any manner.
- (c) Applicant/accused shall co-operate in early disposal of the trial.
- (d) Applicant/accused shall not commit any criminal offence while on the bail.
- (e) Applicant/accused and his surety shall provide their respective mobile numbers and present address and proof of residence at the time of execution of the bail bond/surety bond.

3. Cri. BA No.2787/2024 is disposed of accordingly.

**(Pronounced in open Court)**

**Date : 10/01/2025.**



**(Mahesh K. Jadhav)**  
N.D.PS Special Judge  
City Civil & Sessions Court,  
Gr. Bombay (CR.43)

Dictated on : 10/01/2025  
Transcribed on : 10/01/2025  
Checked on : 10/01/2025  
Signed on : 10/01/2025

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
10/01/2025	12.50 p.m.	<b>Sanjay Baliram Kaskar</b> (Stenographer Grade-I)
<b>Name of the Judge</b>		<b>H.H.J. Shri. Mahesh K. Jadhav</b> (C.R.No.43) NDPS Spl. Judge
Date of Pronouncement of Judgment/Order.		10/01/2025
Judgment/order signed by PO on		10/01/2025
Judgment/order uploaded on		10/01/2025