

Mohammad Salman Hanif Shaikh vs The State Of Gujarat on 22 August, 2022

Bench: Surya Kant, Abhay S. Oka

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ITEM NO.31

COURT NO.15

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 5530/2

(Arising out of impugned final judgment and order dated 27-04-2022 in R/CRLMA No. 3279/2022 passed by the High Court Of Gujarat At Ahmedabad)

MOHAMMAD SALMAN HANIF SHAIKH

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(FOR ADMISSION & I.R. & IA No.83104/2022-EXEMPTION FROM FILING C/C OF THE I/JUDGMENT and IA No.83106/2022-EXEMPTION FROM FILING O.T.)

Date : 22-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s)

Mr. Syed Mehdi Imam, AOR
Md. Parvez Dabas, Adv.
Mr. Uzmi Jameel Hussain, Adv.
Mr. Shaan Elahi Turkey, Adv.
Mr. Tabrez Ahmad, Adv.
Mrs. S. Anis, Adv.

For Respondent(s)

Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR

UPON hearing the counsel the Court made the following
O R D E R

The petitioner seeks enlargement on regular bail in the case FIR being C.R.No.NDPS/11192015200884/2020 registered at Changodar Police Station, District Ahmedabad (Rural) for the offences punishable under Sections 8(c), 21(c), 22(c) and 29 of the NDPS Act.

As per the allegations, 358 bottles of cough syrup containing codein of 'commercial quantity' was recovered from the petitioner.

We have heard learned counsels for the parties and are of the considered opinion that the questions like whether the contraband recovered from the petitioner is of 'commercial quantity' or whether codein phosphate is a manufactured drug or a narcotic substance, need not be go into at this stage.

We are inclined to release the petitioner on bail only on the ground that he has spent about two years in custody and conclusion of trial will take some time.

Consequently, without expressing any views on the merits of the case and taking into consideration the custody period of the petitioner, this special leave petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing the bail bonds to the satisfaction of the Special Judge/ concerned Trial Court.

The special leave petition is, accordingly, disposed of in the above terms.

Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)