

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1519 OF 2026**

Zeenath Munawarali Shah Applicant
V/s.
State of Maharashtra ...Respondent

Mr. Mithilesh Mishra for the Applicant.
Mr. R. M. Pethe, APP for the Respondent – State.
Mr. Sagar Parkale, PSI, D. N. Nagar police station present.

**CORAM: SHYAM C. CHANDAK, J.
DATED : 1st SEPTEMBER, 2026**

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.
2. Present application seeks release of the applicant on bail in connection with Cr.No.517 of 2025 registered with D. N. Nagar police station, Thane for the offence punishable under Sections 8(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS Act”) and Section 78 of the The Juvenile Justice (Care and Protection of Children) Act, 2015.
3. The prosecution case is that, on 15th May 2025, at about 19.00 hours, the police team of D.N. Nagar police station, Thane including the informant - Rishikesh Babar, Police Constable were patrolling through a slum at Sai Baba Society, Usmania Dairy, Andheri (West), Mumbai. At that time they spotted a boy (juvenile), who was standing there in the lane in a suspicious manner. The police team went to him, but, he escaped in a nearby

room. The police chased him there and apprehended. On enquiry, the JB disclosed that he had come there to sell contraband substance 'MD' on the say of the applicant. Further, police seized 10 grams of MD from the possession of the JB. Therefore, the JB came to be arrested. However, the applicant was absconding. Meanwhile, her anticipatory bail applications were rejected by the Sessions Court and this Court. Finally, the applicant was arrested on 23.01.2026 and charge-sheeted. The trial Court declined to release the applicant on bail. Hence, this application.

4. Mr.Mishra, learned Counsel for the applicant submits that, except the statement of the juvenile that the applicant was supplying him the contraband to sell, there is no other evidence indicating that the applicant was involved in this crime. He submitted that, although the bank account statements of the applicant showing various credit-debit entries, majority credit entries pertain to the deposits made by the applicant's husband and her brother. Therefore, it is not sufficient to draw an adverse inference. There is one similar criminal antecedent, therein, no contraband was seized from the applicant and she is on bail. Additionally, in that case, she has sought for her discharge, which application is pending. Therefore, the applicant is innocent and she deserves for bail.

5. Mr. Pethe, learned APP on the other hand pointed out that, earlier, an FIR No.400 of 2023, was registered against the applicant. In that case, accused no.1 was found in possession of 6 grams of 'Mephedrone' and on enquiry, said accused had disclosed that the applicant had supplied him that contraband to sell. Further, Mr. Pethe, pointed out that as per the bank records the applicant had income of Rs.50,000/- per annum, but, the credit

entries in the bank accounts of the applicant show that, between 1st March 2025 to 31st December 2025, about Rs.18,00,000/- were credited in her bank accounts. These circumstances clearly indicate that the applicant is dealing in illicit business of 'MD' and earning money. Therefore, the prayer for bail be rejected.

6. I have considered these submissions. Perusal of the record reveals that, in the earlier crime, when the accused no.1 was accosted and immediately enquired by police, said accused disclosed that the applicant had given him that contraband to sell. This circumstance is similar to the case in hand. Surprisingly, in both the cases, the same contraband substance was seized by the police which was given by the applicant for sell. The CDRs on record indicate that the applicant and the JB were in regular/constant contact with each other just before the JB was apprehended and contraband seized from his possession. The learned APP submitted that the seized contraband 'MD' is a costly narcotic substance. This contention is not controverted.

7. As per the record, the applicant had three bank accounts, i.e., Canara Bank, HDFC bank and Union Bank of India. It is alleged that between 1st March 2025 and 31st December 2025, there were total credit entries of around Rs.18,00,000/- in 10 months in the bank accounts of the applicant. This is contradictory to the applicant's annual income of Rs.50,000/- declared in the bank account opening form of the Union Bank of India.

8. Mr. Mishra, the learned Counsel submitted that most of the credit entries in the bank accounts of the applicants were the deposits made by her husband and the brother. It is informed that the husband of the applicant was residing with her and her brother was residing in the same locality. However, Mr. Mishra has not

clarified as to whether these family members had their own bank account or not and as to why they were regularly depositing the money in her bank accounts.

9. There are statements of the neighbour of the applicant, have categorically stated that the applicant has been dealing with illicit contraband substance in huge quantity and in furtherance of the same, was exploiting and using minor children.

10. In view of the above discussion, there is strong *prima facie* case against the applicant for having dealt with illegal contraband business to earn money. For that purpose, she involved the JB. Therefore, the offence is serious. Although the applicant is on bail in the earlier crime and the rigor of Section 37 are not applicable, it cannot be ignored that the applicant has misused that bail liberty. Therefore, even if the applicant is released on bail on the ground that she is a woman and the contraband substance was less than commercial quantity, the possibility of the applicant repeating the crime can not be ruled out.

11. In the wake of above, the applicant is not entitled for bail. Hence, the bail application is rejected.

12. It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial and also not be taken as an expression of opinion on the merits of the case.

(SHYAM C. CHANDAK, J.)