



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1900 OF 2025

Shaikh Naushad Musa Shaikh Naim

VERSUS

The State Of Maharashtra And Another

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- Mr. N. S. Ghanekar, Advocate for Applicant
- Ms. S. P. Jape, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 03.12.2025

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 251 of 2025, dated 11.09.2025, registered with Jinsi Police Station, District Chh. Sambhajingar for the offences punishable under Sections 8(c), 22(b), 22(a), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 123 of Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that secret information was received regarding the sale of contraband ganja by one Azar Ali

Khan. The said information was reduced into writing and, after obtaining necessary permission, a raid was conducted at about 03:10 p.m. at the shop run by the accused Azar Ali Khan known as *Nation Auto Parts and Punctures*. During the raid, various incriminating articles were found. A total of 127 packets of contraband cannabis weighing 1.159 kg, along with knives, tobacco and gutkha packets, were seized from the shop. Upon enquiry, the arrested accused Azar Ali Khan stated that the contraband ganja belonged to the present applicant. Apprehending arrest in the said crime, the applicant approached the learned Sessions Court seeking anticipatory bail. The learned Sessions Judge, by order dated 17.10.2025, rejected the anticipatory bail application on the ground that the applicant has been specifically named in the FIR as the supplier of the contraband.

4. Learned APP was asked to take information about any criminal antecedents of the present applicant. It is submitted that one FIR bearing Crime No. 1848 of 2016 was registered against the applicant for the offences punishable under Sections 376, 504 and 506 of the Indian Penal Code. It is further submitted that the contraband seized from the spot weighs only 1.159 kg of cannabis and that the applicant has been implicated solely on the statement of the co-

accused.

5. Taking into consideration that the cannabis seized is not of commercial quantity and that the rigours of the twin conditions under the NDPS Act are not attracted, and further considering that the applicant has no antecedents under the NDPS Act and has been implicated only on the statement of the co-accused arrested at the spot, I am inclined to grant protection to the applicant. The apprehension expressed by the learned APP that the applicant may indulge in similar offences can be taken care of by imposing suitable conditions.

6. Hence, the following order :-

ORDER

- i. In the event of arrest of the applicant – Shaikh Naushad Musa Shaikh Naim, he shall be released on bail on furnishing a P.R. bond of ₹50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount each, in connection with FIR No. 251 of 2025 dated 11.09.2025 registered with Jinsi Police Station, District Chh. Sambhajinagar, for the offences punishable under Sections 8(c), 22(b), 22(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 123 of the Bharatiya Nyaya Sanhita, 2023, subject to the following conditions:

- A) The applicant shall attend the concerned police station and report to the Investigating Officer on every Friday and Saturday between 10:30 a.m. and 01:30 p.m. till filing of the charge-sheet and thereafter as and when called by the Investigating Officer.
- B) The Applicants shall also cooperate with the investigation.
- C) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- D) The applicant shall furnish a copy of his Aadhaar Card and PAN Card to the Investigating Officer, along with the address and mobile numbers of two nearest relatives.

7. Needless to say that violation of any of the above conditions and indulgence of the applicant in any other offence under NDPS Act, shall entitle the prosecution to seek cancellation of bail.

8. The Anticipatory Bail Application is disposed of accordingly.

(MEHROZ K. PATHAN, J.)