IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4570 OF 2025

Niyaz Shabbir Khan ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Anil G. Lalla i/b Mr. Kamlesh Satre**,** *for the Applicant.*
Mr. Yogesh Y. Dabke*, for the Respondent.*
API-Amol Kadam, attached to A.N.C. Worli Unit, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 09TH DECEMBER 2025

PC: -

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 70 of 2025 dated 02nd September, 2025 registered with the ANC, Worli Unit, Mumbai for the offences punishable under Sections 8(c), 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts as discerned from the FIR are that on 02nd September, 2025 while the police officials of the ANC Unit

were on patrolling duty under the Eastern Free Way Bridge, Poll No. 146, near Sewri Railway Station, Mumbai, they found the Applicant lurking in suspicious circumstances. The said person was carrying a black coloured sling pouch. The police intercepted him. The person revealed to the police officials that there was 42 grams of Mephedrone in his bag. Accordingly, the police officials called panchas and after complying with the necessary provisions of the NDPS Act, the said person was arrested. This was the present Applicant. After searching the bag which the applicant was carrying, 42 grams of Mephedrone (MD) was found in the said bag and was seized. The CA report is positive for Mephedrone.

3. Accordingly, the applicant was arrested on 02nd September, 2025. The Applicant made a bail application before the Special Court NDPS, Greater Bombay. However, by order dated 15th November, 2025, the bail application was rejected. Hence, the Applicant is before this Court for seeking the relief as prayed.

4. Mr. Anil Lalla, learned counsel appearing for the Applicant has essentially two grounds of objection. Firstly, Mr. Lalla submits that the substance recovered from the present Applicant is 42 grams of MD which is non-commercial quantity. Secondly, Mr. Lalla points to the timing recorded by the police officials pertaining to the apprehension of the Applicant and calling the panchas at the location to comply with the other provisions of the NDPS Act.

5. Mr. Lalla further submits that as per the panchanama itself, the police officials reach the place at 12.50 a.m. They saw the Applicant and apprehended him. They saw the Applicant behaving in suspicious circumstances and intercepted him. At 01.03 a.m. the Applicant told the police that the bag which he was carrying contained narcotic substance. Thereafter, at 1.35 a.m., two panchas came along with the police officials to comply with the further provisions of the NDPS Act. Mr. Lalla therefore, says that it is nay impossible for the police to apprehend the Applicant at 01.03

a.m. and call the panchas at 01.35 a.m. He further submits that the entire timing recorded in the panchanama appears dubious and it is quite possible that this is a case of planting the substance on the Applicant. He thus, submits that considering these two grounds, the Applicant be enlarged on bail.

6. Mr. Yogesh Dabke, learned APP, on the other hand, contest the Bail Application. Firstly, he submits that the Applicant has antecedents, in that, there are three cases pending against the Applicant concerning offences under the NDPS Act. The Applicant is on bail in all the three cases. Thus, Mr. Dabke submits that the Applicant is habitual offender and is likely to commit the same offence again.

7. Insofar as the aspect of timing is concerned which is raised by Mr. Lalla, Mr. Dabke states that the panchas were called by way of making phone call to the concerned police official who acted with alacrity and send the panchas to the location. He submits that the time gap as pointed out by Mr.

Lalla is not so significant to justify granting bail to the Applicant. He also submits that this is not a case of long incarceration as the Applicant is arrested only on 02nd September, 2025 and the maximum prescribed sentence is up to ten years. Mr. Dabke thus, prays the Application be rejected.

8. Mr. Dabke, at this stage, further submits that there are four more offences, in addition to the aforesaid three offences, for which the Applicant is being prosecuted under the Indian Penal code.

9. I have heard the learned counsel for the respective parties and perused the materials on record with their assistance.

10. Admittedly, the quantity of Mephedrone recovered from the Applicant is of non-commercial quantity. The aspect of timing as argued by Mr. Lalla is not so significant so as to lead me to record a finding that the Applicant is not likely to

repeat the offence, as there are seven other offences registered against him and pending before various Courts against the Applicant.

11. The Applicant is arrested on 02nd September, 2025 and this is not a case of long incarceration as argued by Mr. Dabke. Even considering that the contraband recovered from the Applicant is of non-commercial quantity, the past antecedents and the fact that he has repeated the said offence while on bail in the other offences leads me to record a finding that the Applicant is likely to commit the said offence again. In these circumstances, I am not inclined to grant bail.

12. The Bail Application is rejected.

13. The observations in the present matter are limited to determine the Bail Application and the Trial Court shall proceed with the trial uninfluenced by the observations made by this Court in the present order.

(DR. NEELA GOKHALE, J)