

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3613 of 2024**

Nijamuddin Mumtaj Ali ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Kamlesh Satre, *with Dilip Rajbhar and Nilesh Bangur, for the Applicant.*

Ms Poonam P Bhosale, *APP for the State-Respondent.*

Mr. Thakare, *API attached to Dharavi Police Station, Mumbai present.*

CORAM Dr. Neela Gokhale, J.
DATED: 14th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R.No.352 of 2023 dated 30th April 2023 registered with the Dharavi Police Station, Brihanmumbai City for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

2. The facts of the case, in brief, are that:-

2.1 The officials of the DCB, CID, Unit-7 were on patrolling duty when they found the Applicant loitering in suspicious circumstances. On seeing the Police, the Applicant tried to flee. However, the Police detained him, panchas were called and the search and seizure were conducted as per the procedure. A plastic pouch containing 54.56 gms of Mephedrone ('MD') was recovered from the Applicant's possession. Thus, the FIR was registered against the Applicant.

3. The Applicant filed a bail application before the Special Judge, NDPS Court, Greater Bombay and by order dated 30th July 2024, the said bail application was rejected. Hence, the Applicant is before this Court seeking the reliefs as prayed.

4. Mr. Kamlesh Satre, learned counsel appearing for the Applicant, submits that the weight of the substance was taken along with the plastic pouch and hence, it is quite likely that the weight of the substance taken is of non-commercial quantity. He further submits that the Applicant was arrested

on 29th April 2023 and till date, charges are not framed. Hence, he submits that on the ground of long incarceration, the Applicant be released on bail.

5. *Per contra*, Ms. Poonam Bhosale, learned APP representing the State, submits that there are only 9 witnesses intended to be examined by the prosecution. The date before the Trial Court is today itself and in all probability, the charges will be framed today. She submits that 54.56 gms of MD is a commercial quantity and even if the weight of the plastic pouch is excluded, the quantity of the substance will still remain commercial. She thus, resists the Bail Application.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the Applicant is in custody since 29th April, 2023 and the charges are not yet framed against the Applicant.

8. Having regard to the facts and circumstances of long incarceration of the Applicant without there being a realistic possibility of early completion of the trial; the fact that the Applicant has no antecedents; and in view of a series of decisions of the Apex Court observing that long incarceration militates against the overriding statutory embargo of Section 37 of the NDPA Act, 1985, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Police Station concerned once in a month on the first Saturday of every month between 11:00 a.m. to 02:00 p.m.;

iii) The Applicant shall also attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2025.10.15
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+0530

(Dr. Neela Gokhale, J)