

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3849 OF 2024**

Asrar Usman Khan @ Sade Nau

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Adil Khatri a/w Nazneen Khatri a/w Lasmiya Memon,
Aaliya Juneja and Aashiya Shaikh, *for the Applicant.*
Mr. Yogesh Y. Dabke, *APP for the Respondent - State.*
PI – Abhijit Ahirrao, Anti Narcotics Cell, Ghatkopar, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 07TH OCTOBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with Spl.NDPS Case No.1803 of 2023 in C.R.No.37 of 2023 dated 28th April, 2023, registered with the ANC Ghatkopar Police Station, for the offences punishable under Sections 8(c) 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The case of the prosecution in brief is that officials from the ANC, Ghatkopar were on patrolling duty. They found the Applicant in suspicious condition and after his search on complying with the necessary procedural under the NDPS Act, 68 grams of Mephedrone (MD) was recovered from the conscious possession of the Applicant. Hence, FIR was registered.

3. The Applicant made an bail application before the Special Court, Mumbai, however, by order dated 13th August, 2024, the said Application was rejected. Hence, the Applicant has filed present Bail Application for the reliefs as prayed.

4. Mr.Khatri, learned counsel for the Applicant submits that the Applicant is in custody from 28th April, 2023 and even charges are not framed as yet. He submits that quantity of Mephedrone recovered was 68 grams. It was weighed alongwith pouch. He thus, submits that if the weight of the pouch is considered the quantity found on him was not

of commercial quantity. He submits that even on the ground of long incarceration the Applicant be released on bail.

5. Mr.Dabke, learned APP representing the State, submits that the quantity of the Mephedrone recovered from the Applicant was 68 grams which was commercial quantity even taking into account the weight of the plastic pouch. He submits that the officials have complied with the provisions of NDPS Act and there is no lacuna in the same. He submits that there is one antecedent against the Applicant namely FIR for the offence punishable under Section 363 of the IPC. He thus, submits that the Application be rejected.

6. I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

7. Admittedly, Applicant is 24 year old. He is arrested on 28th April, 2023. He has already suffered incarceration of 2 year 5 month and 9 days. Even charges are not framed as on

date. In these circumstances, in view of the long incarceration of the Applicant, I am inclined to grant him bail. Hence, the following order is passed:-

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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the concerned Police Station once in a month between 11:00 a.m. to 02:00 p.m. till charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the concerned Police Station;

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 contact 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 concerned Police Station;

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

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

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

9. 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.

(DR. NEELA GOKHALE, J)