

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 4494 OF 2024**

Mohd. Wahiddudin Mohd. ...Applicant  
Versus  
The State Of Maharashtra ...Respondent

**Mr. Sherali S. Khan, Mr. Veeraj Naik and Tabish Shaikh, for the Applicant.**

**Ms. Anuja S. Gotad, APP for the State-Respondent.**

**WPSI – Kalpana Dattatray Mashere, DCB/CID, Unit-VI, is present.**

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**CORAM    Dr. Neela Gokhale, J.  
DATED:    11<sup>th</sup> NOVEMBER 2025**

**PC:-**

**1.** The Applicant seeks his release on bail in connection with C.R. No. 72 of 2022 dated 20<sup>th</sup> October 2022 registered with DCB/CID, Unit-VI, Mumbai for the offences punishable under Sections 8(c), 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

**2.** There are in all three accused. Accused No.2 has expired. The present Applicant was arrested on 20<sup>th</sup> October 2022.

**3.** The facts of the case, in brief, are that on secret information received, the police officials laid a trap. Pursuant to the same, the Applicant was apprehended from the spot and 19 bottles of Codeine Phosphate were recovered from him. Thereafter, on search of his rented premises, further 3000 and 57 bottles of Codeine Phosphate were recovered from the said house. Accordingly, the FIR came to be registered and the Applicant was arrested on the date mentioned herein-above.

**4.** The Applicant made an application seeking bail before the Special Court, NDPS Act at Greater Mumbai. However, by order dated 9<sup>th</sup> October 2023, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

**5.** Mr. Sherali Khan, learned Counsel for the Applicant, has raised various grounds seeking enlargement of the Applicant on bail. However, without going into the merits of the objections taken by Mr. Khan, it appears that the Applicant

has already suffered incarceration of around more than three years.

**6.** Ms. Anamika Malhotra, learned APP, fairly concedes that till date, charges are not framed.

**7.** Admittedly, there are no antecedents in respect of the present Applicant. The Apex court, in a series of its decisions has observed, that failure to conclude the trial within a reasonable time resulting in prolonged incarceration militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India, and as such conditional liberty overriding the statutory embargo created under Section 37 of the NDPS Act may in such circumstances be considered.

**8.** Having regard to the long incarceration of the Applicant without there being any possibility of conclusion of the trial in the near foreseeable future, 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 DCB/CID, Unit-VI, Mumbai, on first Monday of every month between 10:00 a.m. and 12:00 noon, till the charges are framed by the Trial Court. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) 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;

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

vii) 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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)