

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5103 OF 2024

Sufiyan Ainul Shah
Versus
State of Maharashtra

...Applicant

...Respondent

Mr Anish Pereira, *with Taraq Sayed and Mukhtaq Shaikh i/b Ashwini Achari, for the Applicant.*

Mr Yogesh Y Dabke, *APP for the Respondent-State.*

Mr Shrikrishna Gore, *API attached to Thane City, Crime Branch, Anti Extortion Cell, present.*

CORAM Dr. Neela Gokhale, J.
DATED: 8th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No.1018 of 2023 dated 28th December 2023 registered with the Shantinagar Police Station, Thane for the offences punishable under Sections 8(c), 22(B) 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 On information received by the Anti Extortion Cell, Thane, a trap was laid and accused no.1, namely, Mohammed Javed Ansari was arrested. Quantity of 58.4 gms was recovered from his possession. During interrogation of accused no.1, name of the accused no.2 was revealed and he was also arrested. During interrogation of accused no.2, name of the present Applicant surfaced. Based on the said information, a trap was led and the present Applicant was apprehended. On his personal search, two plastic pouches were recovered from his possession. Both the pouches allegedly contained Mephedrone ('MD'); one pouch contained 17.34 gms and the other contained 44.84 gms, of the said substance. Thus, the present Applicant was also implicated in the said C.R.

3. The Applicant made bail application before the Additional Sessions Judge, Bhiwandi but by an order dated 22nd October 2024, the said application was rejected. Hence,

the Applicant is before this Court by way of present Bail Application.

4. Mr. Anish Pereira, learned counsel appearing for the Applicant, at the very outset, tendered the C.A. Report. According to the said C.A. Report, two pouches labeled as '2B' and '3B', recovered from the Applicant, were sent to the FSL. Substance in the pouch labeled as '2B' contained 17.34 gms MD. However, the pouch marked as '3B' contained the substance, which according to the result of analysis, does not show the presence of Mephedrone.

5. Secondly, Mr. Pereira, submits that the Applicant is incarcerated on 20th March 2024 and till date, even charges are not framed and hence, even on the ground of long incarceration without charges being framed, he submits that the Applicant be released on bail.

6. Mr. Yogesh Dabke, learned APP representing the State, resists the bail application.

7. Having heard both the counsel for the respective parties and having perused the record with their assistance, it is clear that only the pouch labeled as '2B' is found to contain 17.34 gms of MD, which is of a non-commercial quantity; the other pouch labeled as '3B' recovered from the Applicant does not contain Mephedrone, according to the C.A. report. In these circumstances, rigors of Section 37 of the NDPS Act will not apply. In any case, the Applicant is arrested in March 2024 and till date, charges are not framed. Considering the long incarceration of the Applicant without even charges being framed, I am inclined to grant bail to the Applicant 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 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 on the first Saturday of every month between 11:00 a.m. to 02:00 p.m.;

iv) The Applicant shall deposit his passport, if he has any, 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 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)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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