

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5133 of 2024**

Sajid Mohammad Yunus Ansari ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Sherali S Khan, *with Azfar Khan, for the Applicant.*
Mr Yogesh Y Dabke, *APP for the State-Respondent.*
Mr. Patil, *PSI attached to ANC, Kandivali Unit, present.*

CORAM Dr. Neela Gokhale, J.
DATED: 10th NOVEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No.79 of 2023 dated 8th September 2023 registered with the ANC, Kandivali Unit, Mumbai, for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 ('NDPS Act' for short).

2. The case of the prosecution in brief is that on 7th September 2023, while police personnel were on patrolling

duty, they found one person lurking in suspicious manner. When the police accosted him, he tried to flee from the spot and hence, he was apprehended. After complying with the statutory provisions under the NDPS Act, the Applicant was searched and he was found to be in possession 65 gms of Mephedrone ('MD'). Hence, he was arrested pursuant to the FIR registered by the police.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), City Civil & Sessions Court, Greater Bombay, however, by an order dated 26th September, 2024, the same came be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Sherali Khan, learned counsel appearing for the Applicant, submits that apart from the fact that there is no material on record to disclose involvement of the Applicant in the said offence, the Applicant was arrested on 8th September 2023 and the charge is framed only on 17th October 2025. He

further submits that on this sole ground of long incarceration, the Applicant deserved to be enlarged on bail.

5. Per contra, Mr. Yogesh Dabke, learned APP representing the State in the matter, submits that commercial quantity of MD was recovered from the person of the Applicant; the Applicant is not co-operating in conducting the trial and he is likely to commit similar type of offences, if granted bail. He further submits that the prosecution intends to examine as many as 8 witnesses and the trial is likely to conclude in a foreseeable future. Hence, he submits that the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the Applicant has suffered incarceration for a period of more than 2 years and the charges are framed only recently, i.e., in October, 2025. Additionally, the Applicant has no criminal antecedents against him. In a series of judgments,

the Supreme Court has observed that long 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, 1985 may, in such circumstances, be considered. Having regard to the facts and circumstances of long incarceration of the Applicant without there being any real possibility of early completion of the trial, I am inclined to accept the plea of the Applicant and enlarge him on 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) 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 leave India, without the permission of the Trial Court;

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

vi) 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;

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

viii) 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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