

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5904 OF 2025

Nadeep Alam

.. Petitioner

Versus

The State of Maharashtra and anr

.. Respondents

...

Mr. Mateen Shaikh a/w Ms. Muskan Shaikh for the petitioner.

Ms. Sangeeta D Shinde, APP for the respondent – State.

Mr. Hanif Shaikh, API, Waliv Police Station.

**CORAM: BHARATI DANGRE &
SHYAM CHANDAK, JJ.**

DATED : 19th NOVEMBER, 2025

P.C:-

1. The Managing Director/ Authorized Representative of Suraj Transport Roadways, made a complaint to the Commissioner of Police, Mira Bhayander on 10/11/2025, making a grievance about illegal detention of the driver Mohammed Jilani along with the vehicle Tata Truck bearing Vehicle No. HR-58-E-1644 with the goods therein by Waliv Police Station, Vasai since 3/11/2025. This complaint is placed on record at Exhibit-A.

2. The petitioner, nephew of the missing person, notarized a petition on 10/11/2025 and presented it to the High Court on 11/11/2025, making the grievance about his uncle being illegally detained along with the Tata Truck containing goods and he prayed for a writ of Habeas Corpus for his production.

3. On the last date of hearing, we asked the learned APP to obtain necessary instructions.

It is revealed to us that on 12/11/2025, an FIR is registered in respect of an incident, which took place on 4/11/2025, when information was received that a container truck with the prohibited substance i.e. tobacco was being driven into their jurisdiction and thereafter, from 22.30 hours, the patrolling team along with the officials of the police department gathered at the spot and on stopping the truck carrying the substance prohibited by the Food and Drugs Administration Department, the samples were drawn therefrom.

An entry to that effect vide Entry No.45/25 was taken at 23.15 hours. The driver of the container Mohammed Jillani was found to be present and he disclosed that he was working as a driver with Suraj Transport Roadways.

The goods in the truck were unloaded and samples were forwarded for analysis. The FIR record that the key of the container truck was obtained from the driver and the bills received etc., were recovered from him and he was permitted to leave, the police station with a warning that he shall attend the police station as and when required.

4. The petitioner is shown to be arrested on 12/11/2025 and on this sequence of events being brought to our notice, we specifically inquired with the learned APP, as to how was the driver informed about registration of the offence and as to how he attended the police station, as he came to be arrested on the very date of its registration.

We have to examine the statement made before us on behalf of the Investigating Officer in light of the complaint i.e. made on 10/11/2025, as we found that the offence is registered on 12/11/2025.

In order to afford an opportunity to the respondents to place on record the necessary documents, whatever are required to be produced to established the above version, we direct the Senior Police Inspector, Walvi Police Station to place those documents on record and if he deems fit, to file an affidavit in this regard.

We are now informed that Mohammed Jilani is presently in judicial custody.

5. List on 26/11/2025, on Supplementary Board.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)