

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5985 OF 2025

Mujib Rehman Shaikh

...Petitioner

V/s.

Union of India & Anr.

...Respondents

Adv. Taraq Sayed a/w Adv. Anish Pareira and Adv. Ashwini Achari, for the
Petitioner.

Ms. Supriya Kak, APP for the Respondent-State.

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

DATED : 01ST DECEMBER, 2025.

P. C. :-

1) Since the Petition seeks a prayer for issuance of a Writ of Habeas Corpus declaring the arrest of the Petitioner as illegal but what is urged before us by the learned Counsel Mr. Sayed, according to us, do not make the Petition maintainable.

It is pointed out to us that the Petitioner who came to be arrested on a ground that he was in possession of some contraband, in fact, at the subsequent point of time, is found not to be a contraband but some psychotropic substance and therefore, according to Mr. Sayed, the arrest has become illegal.

2) We do not agree with this submission as we find that a Writ of Habeas Corpus is permitted to be entertained only when the arrest of a person is in contravention of the statutory right or fundamental right as

available to him under the Constitution of India. A substance, which was alleged to be in his possession and this bring the premise of his arrest if at a later point of time the substance is found to be not a contraband, definitely the Petitioner has subsequent remedy as the second remand order do not refer to the report which is already obtained by the Investigating Agency.

3) In the wake of the aforesaid, the Writ Petition is disposed of with liberty to seek appropriate remedy which is available to the Petitioner.

4) We must clarify that we have not expressed any opinion on the merits of the matter.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)