

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 527 OF 2025**

Abu Hamza Ezaz Ahmed Ansari	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Pandit Kasar, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
PSI – R. P. Shinde, *Bhivandi Crime Branch, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 25th November 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.1254 of 2024 dated 6th June, 2024, registered with the Shanti Nagar Police Station, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The facts of the case, in brief, are that the police officers of the Crime Branch Unit -II, Bhivandi, were on

patrolling duty. They found the Applicant lurking in suspicious circumstances and upon his search, 165 grams of Mephedrone from three plastic pouches was recovered from his pocket. On complying with the statutory requirements of the NDPS Act, the contraband was seized, FIR was registered and the Applicant was arrested.

3. The Applicant made an Application seeking bail before the Additional Sessions Judge, Bhiwandi, however, by order dated 10th January, 2025, the said Application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Kasar, learned counsel for the Applicant, at the very outset, has pointed to several discrepancies in the dates of the FIR; panchanama; station diary; vehicle diary entry and the compliance letter under Section 50 of the NDPS Act given to the Applicant. The date of registration of FIR on some of the documents is 6th June, 2024, while on the other documents it appears as 7th June, 2024. This is not an

innocuous error according to Mr. Kasar. He submits that the Applicant has not committed any offence, much less the offence alleged by the authorities. He thus submits that the Applicant be enlarged on bail on this ground alone.

5. Ms. Bajoria, learned APP representing the State, was given liberty to file an Affidavit explaining said discrepancies. However, said Affidavit is not filed.

6. I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

7. The FIR is dated 6th June, 2024, and narrates details as to how the Applicant was apprehended and what was found in his possession. Thereafter, the police investigation note dated 15th June, 2024, also corroborates that offence took place on 6th June, 2024, i.e. the date on which the FIR was registered. The trap panchanama records the date 6th June, 2024, however, the entries in the said

panchanama refers to the incident occurred on 7th June, 2024. The arrest memo at page No.40 of the Application indicates that the offence took place on 6th June, 2024 and the Applicant was arrested on the same date. Furthermore, the compliance letter under Section 50 records that the offence took place on 7th June, 2024. It appears from a perusal of the papers of the proceedings that there is no consistency in the dates on which these events have occurred. It is thus, doubtful as to whether there is reason to believe that the Applicant has committed said offence. Admittedly, the Applicant has no criminal antecedents in respect of any offence which clearly indicates that the Applicant is not likely to commit any offence if released on bail. In these circumstances, rigors of Section 37 are fulfilled. *Prima facie* I am of the opinion that there is no reasonable ground to believe that the Applicant has committed the said offence.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly 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 Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- 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 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 Police Station concerned;

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

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

(DR. NEELA GOKHALE, J)