

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 528 OF 2025**

Raffiuddin Zamruddin Shaikh ...Applicant
Versus
State Of MaharashtraRespondent

Ms. Ashwini Achari, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
PSI – Sopan Bhagwat Wadkar, *Pairavi Adhikari, Sakinaka
Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 6th October 2025

PC:-

1. The present Applicant seeks his release on bail in connection with C.R. No.0624 of 2023 dated 16th June 2023 registered with Sakinaka Police Station, Mumbai for offenses punishable under Sections 8(c) read with 22(c), 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Insofar as the present Applicant is concerned, the case of the prosecution is that the co-accused one Nilofer Aftab Khan revealed to the police that the present Applicant was

supplying Mephedrone to her for the purpose of selling to consumers. Accordingly, the police took search of the Applicant and recovered 52 grams of Mephedrone from the present Applicant. In this manner, the Applicant was also implicated in the C.R. along with five co-accused. The Applicant made an application for bail before the Sessions Court and by an order dated 17th January 2025, his bail application was rejected by the Special Court, NDPS at Greater Mumbai. Hence, the Applicant has filed the present bail application for the relief as prayed.

3. Ms. Ashwini Achari, learned Counsel for the Applicant, at the very outset, has placed on record a compilation containing orders of this Court granting bail to the four co-accused and a similar order passed by Sessions Court in respect of the fifth accused. The present Applicant is accused No.3. According to Ms. Achari, the co-accused have been enlarged on bail for various reasons. One of them is that there was discrepancy in the labeling of the exhibits. She also

submits that despite the Applicant being arrested on 25th June 2023, till date charges are not framed. She thus, seeks that the Applicant be enlarged on bail on the principle of parity as well as on the basis of long incarceration.

4. *Per contra*, Ms. Megha Bajoria, learned APP, submits that the principle of parity will not apply to the present case as 52 grams of Mephedrone was independently recovered from the present Applicant, over and above the quantity recovered from the co-accused, in which the present Applicant is also involved. She also submits that there are financial transactions between all the co-accused including the Applicant and it cannot be said that the Applicant has not committed the said offense. She thus, resists the bail application.

5. Heard the parties and perused the record with their assistance. I have gone through the orders passed by this Court granting bail to the four co-accused. I have also gone through the order passed by the Sessions Court granting bail to the fifth accused namely Faizan Ansari. It appears that

while granting bail to the co-accused, this Court has already considered the submissions of the learned APP regarding financial transactions between the parties and despite the said observation, bail is granted to them.

6. Admittedly, charges are not framed, despite the Applicant being arrested on 25th June 2023. In these circumstances, it is unlikely that the trial will conclude within the foreseeable future. The Apex court, in a series of its decisions has observed, that failure to conclude the trial within a reasonable time resulting in prolonged 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 may in such circumstances be considered. Thus, on the basis of principle of parity as well as long incarceration, I am inclined to grant bail to the Applicant and it is ordered as under:

ORDER

- i) The Applicant shall be released on bail in connection with FIR No. 0624 of 2023, dated 16th June 2023, registered at Sakinaka Police Station, Brihanmumbai, on furnishing PR bond of Rs.50,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.

- ii) The Applicant shall remain present before the Sakinaka Police Station, Brihanmumbai on the First Monday of every month between 10.00 a.m. to 12.00 noon, during the pendency of the trial.

- iii) The Applicant shall attend the proceedings before the Trial Court on every date, except when exempted, for reasons to be recorded in writing.

- iv) The Applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

v) The Applicant shall upon being released immediately inform the Investigating Officer of his Contact number and residential address and update the same in case of any change.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)