

HARSHADA H. SAWANT  
(P.A.)

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

**BAIL APPLICATION NO.727 OF 2025**

Shadab Farooque Shaikh

.. Applicant

**Versus**

Union of Indian and Anr.

.. Respondents

- .....
- Mr. Anil G. Lalla a/w. Mr. Yash Pulekar and Ms. Sana Khan, Advocates for Applicant.
  - Ms. Manisha Jagtap, Special Counsel for Respondent No.1 – Union of India.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : FEBRUARY 14, 2025**

**P.C.:**

**1.** Heard Mr. Lalla, learned Advocate for Applicant and Ms. Jagtap learned Special Counsel for Respondent No.1 – Union of India.

**2.** Application before me seeks indulgence of the Court. Challenge in the Application is to order dated 12.02.2025 appended at page No.22, Exhibit-C granted by the Sessions Judge i.e. the Trial Court.

**3.** Applicant is indicted under provisions of Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**'). He is incarcerated since 25.03.2021 for almost 04 years. His indictment is for possession of 61 grams of Mephedrone.

**4.** Mr. Lalla would persuade me to consider the grounds in the Application. He would submit that the grounds did find favour with

the Trial Court also but Trial Court has imposed a condition of Applicant to be released for two days only and that too with escort. He would submit that Applicant when arrested was 28 years old, being married and having two children at the then time.

**5.** The reason for Application and interim bail is the wedding of his younger brother Amil and details of which are appended from page Nos.13 to 20 of the Application. I have perused the said details. He would persuade the Court to consider release of Applicant for 10 days *sans* the conditions which are imposed by the learned Trial Court primarily because apart from the fact of social stigma that would be attached if Applicant goes alongwith police escort, the costs are also prohibitive.

**6.** It is seen that the marriage ceremonies of younger brother of Applicant are beginning with several functions from 15.02.2025 and would be wound up on 22.02.2025.

**7.** Ms. Jagtap, learned Special Counsel for Respondent No.1 has appeared on short notice. In her reply to oppose the Application, she would submit that request made by Applicant for 10 days interim bail is too long a period and if at all the Court is inclined, the Court may consider restricting the said period alongwith appropriate conditions as stated in one of the order appended to the Application at page No.34. I have perused the said order passed by this Court in the case of co-

accused in the same crime when this Court had granted him interim bail to attend the marriage ceremony of one of his relative.

**8.** The only reason which impels me to pass this order, is the fact that Applicant is in custody for the past four years and therefore Applicant deserves consideration. The directions of the learned Trial Court of Applicant being escorted to marriage by police party *prima facie* in the facts of the present case are not expedient in my opinion. Hence Application made by Mr. Lalla seeking interim bail deserves consideration and stands allowed albeit not for the period sought for. Considering the program of marriage which is seen from the record appended to the Application, I deem it fit to release the Applicant on interim bail for a period of six days from 18.02.2025 to 23.02.2025. Applicant is directed to be released from prison at about 10:00 a.m in the morning on 18.02.2025 subject to the conditions herein being complied. He shall report back to the prison on 23.02.2025 at 06:00 p.m. I also deem it expedient to grant him liberty to furnish cash security towards the bail amount in view of the urgency expressed by Applicant.

**9.** In view of the above, the Applicant is entitled to be enlarged on interim bail subject to following conditions:-

- (i) Applicant is directed to be released on interim bail in C.R. No.24 of 2021 on furnishing P.R.

Bond in the sum of Rs.2,00,000/- with one or two sureties in the like amount or cash surety / security in lieu of surety from 18.02.2025 to 23.02.2025;

- (ii) Applicant shall mark his presence at the Kashimira Police Station everyday between 10:00 a.m. to 12:00 noon on all days of his release except 18.02.2025;
- (iii) Applicant shall be released on 10:00 a.m. of 18.02.2025;
- (iv) Applicant shall surrender on 23.02.2025 at 06:00 p.m.;
- (v) Applicant shall not tamper with the prosecution evidence neither he shall directly or indirectly induce any threat to the person connected with the facts of the case in which he has been indicted;
- (vi) Applicant shall inform his address and mobile / contact number to the NCB Official on being released on interim bail on which he will be reachable;

(vii) Applicant shall not leave the limits of Mumbai  
and Thane district during the said period.

**10.** All concerned are directed to act on server copy of this order.

**11.** Application is allowed and disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

HARSHADA  
HANUMANT  
SAWANT

Digitally signed  
by HARSHADA  
HANUMANT  
SAWANT  
Date: 2025.02.14  
20:36:17 +0530