

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.765 OF 2025**

Mohammed Shakil Mohd. Moin	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Ms. Ashwinii Achari a/w Anish Pereira and Taraq Sayed, *for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the Respondent - State.*

Mr. Pushparaj V. Surve, Asst. Police Inspector, ANC Unit – I, CB MBVV, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 08TH OCTOBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.110 of 2024 dated 15th May, 2024, registered with the Kashigaon Police Station, for the offences punishable under Sections 8(c), 22(c) read with Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS**') and under Section 3, 25 of the Arms Act, 1959.

2. There are in all 15 accused arraigned in the present CR. The facts of the present case are that Accused namely Dayanand @Daya Manik Munadhar was arrested by the Police and on information given by him, the Police apprehended the present Applicant. The present Applicant was arrested on 24th May, 2024. Nothing was recovered from the person of the Applicant. However, pursuant to his disclosure statement dated 27th May, 2024, 71.90 grams of Mephedrone (MD) was recovered from a car, the key of which was handed over by the Applicant to the Police. Accordingly, the Applicant was also impleaded in the said CR.

3. Ms.Achari, learned counsel for the Applicant submitted that out of 15 accused persons, as many as 10 accused have been enlarged on bail. The only allegation against the present Applicant is that MD was recovered from a car pursuant to his disclosure statement. She has pointed to the Nivedan Panchanama, which records the statement of the Applicant, to show that he will show to the Police, the place

where he concealed the said substance. She submits that it is the case of the prosecution that the Applicant had given the key to the Police, of the car from which the MD was recovered in presence of the panchas. However, she pointed to the fact that no panchanama was recorded of handing over of the key by the Applicant to the Police. She submits that had the key been recovered from his person it would have reflected in the case diary as well as the panchanama, which ought to have been recorded. She thus, submits that it is likely that the Applicant has not committed the said offence. She further claims parity with the other accused who have been enlarged on bail. She thus, prays that the Applicant be released on bail.

4. Per contra, Ms.Bhosale, learned APP representing the State, submits that the role of the Applicant is quite distinct from the role attributed to the co-accused who have been enlarged on bail. She also showed the case diary which, according to Ms.Bhosale, records that the Applicant was arrested in a car and it is this car only in which the Police have

found MD. She submits that the prosecution has a *prima facie* case and that it cannot be said that the Applicant has not committed the said offence. She thus prays for the rejection of the present Application.

5. I have heard learned counsels for the respective parties and gone through the record of the case with their assistance.

6. There is substance in submission of Ms.Achari in respect of the recovery of the substance from the car, the key of which is allegedly given by the Applicant to the Police on 27th May, 2024. Admittedly, there is no record of recovery of the key from the Applicant. No panchanama was recorded to that effect. The Applicant was arrested on 24th May, 2024, and till date, admittedly, charges are not framed and as many as 10 accused in the present CR are enlarged on bail by the Sessions Court. There is no significant distinction between the role of the co-accused and the that of the Applicant. Considering that even the charges are not framed till date and

also considering the arguments advanced by Ms.Achari regarding the discrepancies in the record pertaining to the car key, I am inclined to *prima facie* believe that the Applicant may have not committed the said offence. There are no antecedents against the Applicant. Hence, it is unlikely that the Applicant will repeat the offence again. In these circumstances, I am inclined to enlarge the Applicant on bail. Hence, I pass following order:-

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 concerned Police Station;

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 mobile 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 concerned Police Station;

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

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

(DR. NEELA GOKHALE, J)