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

BAIL APPLICATION NO.824 OF 2025

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Valiullah Valimohammed Chaudhari ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ayaz Khan with Ms. Zehra Charania, Mr. Dilip Mishra and Ms. Mallika Sharma for the applicant.

Ms. Megha S. Bajoria, APP for the State.

Mr. Ranjit Walake, PSI, Ulhasnagar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 16, 2025

P.C.:

1. This is an application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in connection with Crime No. 957 of 2024 registered at Ulhasnagar Police Station for offences punishable under Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the “NDPS Act”).

2. The brief case of the prosecution is that, on 25th October 2024, the Ulhasnagar Police received secret information that a person was involved in selling Mephedrone (MD) in the area of Ulhasnagar-1. Acting on the said information, a trap was laid in the presence of panch witnesses. At about 5:23 a.m., one person

arrived at the spot on a motorcycle. Upon noticing the presence of police officials, he attempted to flee but was apprehended. Upon being questioned, he disclosed his identity as Valiullah Valimohammed Chaudhari, the present applicant.

3. The police officials informed the applicant about the secret information they had received and also about the necessity of conducting his personal search. A notice under Section 50 of the NDPS Act was issued, and he was informed of his legal right to be searched in the presence of a Magistrate or a Gazetted Officer. However, the applicant gave his written consent to be searched by the officers present on the spot. Upon conducting his personal search, 22 small plastic pouches containing Mephedrone, weighing in total 12.44 grams and valued at Rs.62,200/-, were found in the pocket of his pants. The contraband was seized, and an offence came to be registered. The applicant was arrested on 26th October 2024. The seized material was produced before the Judicial Magistrate First Class, Ulhasnagar, where panchnama was prepared and samples were drawn for analysis.

4. Learned advocate for the applicant submitted that the quantity of Mephedrone allegedly recovered from the applicant is 12.44 grams, which falls under the category of "intermediate quantity" as per the NDPS Act, and is much below the threshold of "commercial quantity" of 50 grams. It was further submitted that the applicant has no past criminal record or antecedents to his discredit. He has been in custody since 26th October 2024 and that the investigation is already completed. Therefore, further custodial detention of the applicant is not necessary, and he may be released

on appropriate conditions.

5. On the other hand, the learned APP opposed the application. She submitted that the offence under the NDPS Act is serious in nature, and the applicant was found in possession of a psychotropic substance. Even though the quantity is below commercial quantity, it is not a fit case for granting bail at this stage. It was argued that offences under the NDPS Act have wide-ranging impact on society and therefore should not be treated lightly. She therefore prayed for rejection of the bail application.

6. I have carefully considered the rival submissions and perused the material placed on record. It is not in dispute that the substance allegedly recovered from the applicant is 12.44 grams of Mephedrone. As per the Notification dated 19.10.2001 issued under the NDPS Act, the commercial quantity for Mephedrone is 50 grams and above. Thus, the quantity recovered from the applicant falls within the *intermediate* range and is not *commercial*.

7. The rigours of Section 37 of the NDPS Act, which impose stringent conditions for grant of bail, apply only in cases involving *commercial quantity*. In the present case, since the quantity is less than commercial, the restrictions under Section 37 are not attracted. Therefore, the application for bail is required to be considered on the general principles governing bail under the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The applicant has been in custody since 26th October 2024. The investigation is already completed, and the charge-sheet has

been filed. Therefore, the continued pre-trial detention of the applicant is not warranted. There is no material on record to show that the applicant has any previous criminal antecedents. He is not shown to be part of any larger drug trafficking syndicate or network.

9. It is also pertinent to note that the personal search of the applicant was carried out after complying with the procedural safeguards under Section 50 of the NDPS Act. There is no dispute raised about procedural irregularities at this stage. Hence, further detention would not serve any purpose, especially when the trial is not likely to commence in the immediate future.

10. Having regard to the totality of the circumstances, including the nature of the offence, the quantity involved, absence of criminal antecedents, and the stage of trial, I am of the view that the applicant deserves to be released on bail, subject to appropriate conditions to ensure his availability during trial and to prevent any misuse of liberty.

11. Hence, the following order is passed.

- i) The bail application is allowed;
- ii) The applicant Valiullah Valimohammed Chaudhari is directed to be released on regular bail in connection with Crime No.957 of 2024 registered with Ulhasnagar Police Station for offences punishable under Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more

solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Ulhasnagar Police Station on the first Monday of every third month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)