

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1113 OF 2025**

Raees Amin Qureshi	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Ayaz Khan *a/w Dilip Mishra a/w Zehra Charasia a/w Mallika Sharma, for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the State-Respondent.*
Mr. Sandip Rahane, *PSI, DCB CID Unit-6, Chembur, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 25th September 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 56 of 2023 dated 16th August 2023 registered with DCB CID Unit-6, Chembur, Mumbai for the offences punishable under Sections 420, 465, 468, 471 of the Indian Penal Code, 1860 and Section 8(c), 22(c), 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act'). Originally, the FIR was registered with the Navghar

Police Station (C.R. No. 172 of 2023) and thereafter, it came to be transferred to the DCB CID Unit-6, Chembur, Mumbai.

2. There are in all 12 accused. It is the case of the prosecution that an information was received in respect of various dealings of the accused in Mephedrone (MD). Accordingly, the police laid a trap. The co-accused were found with Ketamine and Charas. Further investigation revealed the role of Accused No.8 who is the Applicant in the present matter. After complying with the various requirements of the NDPS Act, the Applicant was found with 69.73 grams of Ketamine and 54.50 grams of Mephedrone. The Ketamine was recovered from his person and the Mephedrone was recovered from his two-wheeler. According to the prosecution, the said quantity of Mephedrone recovered is of commercial quantity and hence, rigors of Section 37 of the NDPS Act would be attracted. There are also financial transactions between the accused, which were revealed in further investigation and it appears that the accused including the Applicant herein are

running a cartel. Hence, the present C.R. came to be registered against the accused. The Applicant filed a bail application before the Special NDPS Court, however, by order dated 17th February 2025, the said bail application was rejected. Hence, he has filed the present application for the reliefs as prayed.

3. At the very outset, Mr. Ayaz Khan, learned Counsel for the Applicant, submits that as many as 11 co-accused have been enlarged on bail, either by the Trial Court or by this Court. It is only the present Applicant who is still in custody. He placed on record the said bail orders of the co-accused. He submits that the amount Mephedrone recovered from him is approximately 54.50 grams, whereas the commercial quantity is above 50 grams. He has brought to my attention the search Panchanama wherein is revealed that the said 54.50 grams recovered from the Applicant was weighed along with the plastic pouch holding the said powder. Thus, he submits that the weight of the pouch is likely to be 4.50 grams and hence,

even if the recovery is taken to be correct, the quantity found would not be that of commercial quantity. He further submits that the Applicant was arrested on 16th August 2023 and till date, charges are not framed. The Applicant has thus, suffered incarceration for more than two years. He thus, prays that the Applicant be enlarged on bail.

4. Per contra, Ms. Poonam Bhosale, learned APP, submits that there was only one plastic pouch containing the said powder and it cannot be believed that one plastic zip lock bag would weigh more than 1 gram. She thus, submits that the quantity of contraband recovered from the Applicant is of commercial quantity. Ms. Bhosale submits that no Mephedrone of commercial quantity was recovered from the other accused and hence, the principle of parity will not apply. She thus, resists the bail application.

5. I have heard both the counsels and have gone through the record with their assistance. It is clear that the contraband recovered from the Applicant to the tune of about 54 grams

was weighed along with the plastic pouch. At this stage, it is neither possible nor necessary for me to record any observation regarding the weight of the plastic pouch. In any case, 11 co-accused have been granted bail by the Trial Court and this Court. The Applicant is in custody from 16th August 2023 and has suffered prolonged incarceration without charges being framed. I have gone through the decisions cited by Mr. Khan. In *Abuzar Shakil Khan Vs. State of Maharashtra*¹, the Supreme Court observed that if the weight of the packing is excluded, the contraband so recovered would be of intermediate quantity. Therefore, taking into account that the Applicant has no criminal antecedents and he has already suffered incarceration over two years, I am of the view that he is entitled to be released on bail more particularly, when there is no likelihood of the trial being concluded in the near future. In these circumstances, considering the nature of allegations as also the number of years of incarceration suffered by the Applicant, I am inclined to grant bail to the Applicant.

1 SLP (Cri) No. 7284 of 2025

6. Accordingly, the application is allowed and it is 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 report to the office of the DCB CID Unit 6, Chembur, Mumbai, on first Monday of every month between 10:00 a.m. and 12.00 noon, till framing of the charges. He shall also attend the trial court on each and every date, till conclusion of the trial;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Investigating Officer, **if any**;
- iv) The Applicant shall not leave India, without the permission of the Trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) 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;

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

viii) 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)