

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

Criminal Bail Application No.1259 of 2025

Shahabaz Majid Pathan

Age: 29 yrs, Occ: labour,

R/at Behind Mahina Lawns,

Near Minara Majjid, Wadala,

Nashik

At present in Nashik Road

Central Prison, Nashik)

... Applicant.

Vs.

The State of Maharashtra

(at the instance of Mumbai

Naka Police Station, Nashik

vide CR No.188/2024)

... Respondent.

Mr Rushikesh Kale for the applicant.

Mr SV Walve, APP for the respondent / State.

Coram : R.N.Laddha, J.

Date : 10 December 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.188 of 2024, registered at Mumbai Naka Police Station, Nashik, for offences punishable under Sections 8(c), 22(c), and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is the case of the prosecution that on 20 June 2024, near the Usmania Hotel, the applicant was found in possession of 58 grams of Mephedrone, valued at approximately Rs.2,90,000/-, intended for sale.

3. Mr Rushikesh Kale, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the present case. It is submitted that the allegations against the applicant are based on suspicion and surmises, and that there was no compliance with Section 50 of the Act during the search. There is nothing to be recovered or discovered from the applicant. The applicant has been languishing in jail since 20 June 2024, and with the investigation complete and a charge sheet filed, the applicant's continued detention would serve no purpose.

4. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/State, opposes the applicant's request for bail, citing the gravity and seriousness of the offence. It is submitted that the applicant was found in possession of 58 grams of Mephedrone intended for sale. The FSL report confirms

the substance to be Mephedrone. The learned APP highlights that the applicant committed the present offence while his sentence of conviction in another offence was suspended, and bail was granted by the Hon'ble Supreme Court. Mr Walve raises concerns about potential tampering with evidence and influencing witnesses if the applicant is enlarged on bail.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. Upon perusing the records, it emerges that the applicant stands previously convicted for an offence punishable under Section 302 of the IPC. It further appears that the applicant was enlarged on bail pursuant to an order passed by the Hon'ble Supreme Court in connection with the said conviction.

7. The prosecution has placed on record material which, at this stage, *prima facie* indicates that the applicant was found in possession of a commercial quantity of contraband. The FSL report confirms the substances

recovered to be Mephedrone, a prohibited psychotropic substance. Furthermore, there is nothing on record to suggest any procedural irregularity or infirmity, nor is there an indication that the mandatory statutory requirements have not been duly complied with. On a *prima facie* assessment, the material available on record is sufficient to demonstrate the applicant's involvement in the alleged offence. The alleged offence is of a grave and serious nature, carrying significant implications for society at large.

8. Having regard to the totality of the circumstances, including the nature of allegations, the quantity of the contraband seized, the applicant's antecedents, and the broader societal impact, this Court is not inclined to grant bail to the applicant. Resultantly, the application stands rejected.

[R. N. Laddha, J.]