

Shabnoor

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

BAIL APPLICATION NO. 1705 OF 2025

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Bilal Mohammed Ali Shaikh

... Applicant

V/s.

State of Maharashtra

... Respondent

Ms. Lochan Chandka, for the applicant.

Mr. Sagar R. Agarkar, APP for the State – respondent.

Mr. Joshi, API, Khadakpada Police Station.

CORAM : AMIT BORKAR, J.

DATED : JULY 15, 2025

P.C.:

1. The present application is filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”) seeking his release on regular bail in connection with Crime Register No.823 of 2024 registered with Khadakpada Police Station, for offences punishable under Sections 8(c) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “NDPS Act”).

2. The prosecution case, in brief, is that on 13th November 2024, the Crime Branch, Thane City, received specific secret information that one person would be arriving in the Mohana Wadavali area with an intent to sell the narcotic drug known as Mephedrone (commonly referred to as MD). Acting upon this

information, a trap was laid at around 21:10 hours under the bridge at Ponrad Panch.

3. During the said operation, the suspect, who was later identified as Sheikh Bilal Mohammad Ali, aged 20 years, was intercepted by the police team. A senior police officer apprised him of the reason for the search and informed him of his legal rights. After serving a notice under Section 50 of the NDPS Act, a personal search of the applicant was undertaken. It is alleged that during this search, a pouch containing 7 grams of Mephedrone was recovered from the pant pocket of the applicant. The substance was seized following due procedure, and the applicant was arrested. Thereafter, the applicant had moved an application for bail before the learned Sessions Court, which came to be rejected. Hence, the applicant has approached this Court for bail.

4. The learned Advocate for the applicant submits that the mandatory provisions of Section 50 of the NDPS Act were not complied with in their true spirit. It is argued that the quantity of the contraband allegedly recovered from the applicant is only 7 grams of Mephedrone, which clearly falls within the category of “small quantity” as defined under the NDPS Act. The commercial quantity threshold for Mephedrone being 50 grams, the present recovery is far below the same. It is further submitted that the applicant has no criminal antecedents and is a young individual. He has been in custody since 13th November 2024 and there is no likelihood of the trial being concluded in the near future. On these grounds, it is urged that the applicant be released on regular bail.

5. Per contra, the learned APP has opposed the bail application. It is submitted that the offence alleged is serious in nature, falling under the provisions of the NDPS Act which is a special statute enacted to curb the menace of drug trafficking. Though the quantity recovered is small, the nature of the substance—Mephedrone—is itself harmful and prohibited. It is further submitted that the accused was found in possession of the contraband and hence, considering the gravity and social impact of the offence, the applicant does not deserve to be released on bail at this stage.

6. I have considered the rival submissions made by the learned counsel for the applicant and the learned APP for the State. I have also perused the material placed on record, particularly the copy of the FIR, panchnama, and seizure report.

7. At the outset, it is necessary to note that the substance allegedly recovered from the applicant is 7 grams of Mephedrone, which is significantly less than the commercial quantity threshold of 50 grams, as specified under the Notification issued under the NDPS Act. As per the settled legal position, in cases involving recovery of small quantity, the rigours of Section 37 of the NDPS Act are not attracted. Therefore, the strict twin conditions for grant of bail under Section 37 of the Act are not applicable in the present case.

8. The case of the prosecution rests upon a recovery said to have been made from the personal possession of the applicant. It is the contention of the applicant that there has been non-compliance

of the mandatory procedural safeguard under Section 50 of the NDPS Act. Although such aspect would require appreciation of evidence during trial, at this stage, the argument cannot be lightly brushed aside.

9. It is also relevant to observe that the applicant is a young person of 20 years of age and has no past criminal record to his discredit. He has been incarcerated since 13th November 2024 and the chargesheet is not yet filed. Considering the nature of the alleged recovery and the stage of investigation, further custodial interrogation of the applicant does not appear to be necessary.

10. Furthermore, there is no material placed on record to show that the applicant is likely to abscond or tamper with evidence or influence any witnesses, if released on bail. The learned APP has not disputed the fact that the quantity involved is small and that the trial is not likely to conclude in the immediate future.

11. Taking into consideration the overall facts and circumstances of the case, the period of detention already undergone, and in the interest of giving the applicant an opportunity to reform and defend himself in accordance with law, this Court is of the opinion that the applicant deserves to be released on bail, subject to appropriate conditions.

12. In view of the above discussion and legal position, the following order is passed:

- (i) The Bail Application is allowed.
- (ii) The applicant, shall be released on bail in connection

with Crime Register No.823 of 2024 registered with Khadakpada Police Station for offences punishable under Sections 8(c) and 20(b) of the NDPS Act, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the NDPS Special Court, subject to the following conditions:

- (a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.
- b) The applicant shall attend all trial proceedings regularly and shall not delay the conduct of the trial.
- (c) The applicant shall report to the Khadakpada police station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
- (d) The applicant shall not leave the territorial jurisdiction of Thane without prior permission of the learned Special Court.
- (e) The applicant shall furnish his current residential address and contact number(s), and shall inform the Court and Investigating Officer of any change.
- (f) The applicant shall not involve himself in any offence under the NDPS Act or any other penal law during the pendency of the trial.

(g) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.

13. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)