

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1789 OF 2025**

Manohar Ranaram Mali	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Manoj R Gowd, *with Kavita N. Durgapal, for the Applicant.*
Ms. Anamika Malhotra, APP for the Respondent-State.
Mr. Manoj Mahadik, PSI, attached to ANC, Ghatkopar Unit, Mumbai, present.

CORAM Dr. Neela Gokhale, J.
DATED: 3rd NOVEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No.17 of 2023 dated 28th February 2023 registered with the ANC, Ghatkopar Unit, Mumbai for the offences punishable under Sections 8(c), 22(c), 29 and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

2. It is the case of the prosecution that on 28th February 2023, upon secret information received by the officials concerned, the Police party at around 17.00 hours, reached the area near Chempazanthi Co-operative Housing Society, Chembur, Mumbai where they found 3 persons loitering in suspicious manner. The said persons were found to be carrying 3 white plastic bags. The Police party intercepted these persons.

3. After following the procedure prescribed under the NDPS Act, it was found that all the 3 persons, namely, Sohrab Mohd. Shafi Khan, Dawood Fazluddin Tambe and Shahnawaj @ Shahnawaj Abrar Khan were in possession of contraband comprising of adulterated cough syrup bottles of commercial quantity. Accordingly, an FIR was registered and the said 3 persons were arrested. Accused No.1-Sohrab Mohd. Shafi Khan informed the Police that the present Applicant is also involved in dealing with the said contraband. Hence, the present Applicant was also arrested.

4. The Applicant made an application seeking bail before the Special Judge(N.D.P.S.), City Civil & Sessions Court, Greater Bombay but by order dated 27th March 2025, the same was rejected. Hence, the Applicant is before this Court seeking the relief, as prayed.

5. Mr. Manoj Gowd, learned counsel appearing for the Applicant, submits the Applicant was arrested on 1st March 2023, however, till date, charges are not framed. He further submits that nothing was recovered from the Applicant and he was arrested only on the statement of the principal co-accused, that the Applicant was the supplier of the contraband and the co-accused had procured the said contraband from him and since no contraband was recovered from him, he be released on bail.

6. Ms. Anamika Malhotra, learned APP representing the State, submits that although, no substance was recovered from the Applicant, the police have invoked Section 29 of the NDPS Act and most importantly the police authorities have

material to indicate that the Applicant was the supplier of contraband to the other accused and hence, he is as much complicit in the present case as that of the other Applicants/accused. She further submits that the Applicant has one antecedent being LAC No.127 of 2022 for the offences punishable under Section 8(c) read with 22 and 29 of the NDPS Act. However, the Applicant is enlarged on bail by the Special Judge (N.D.P.S.), City Civil & Sessions Court, Greater Mumbai by order dated 28th November 2022 in that case. She thus, resists the present Bail Application.

7. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

8. Admittedly, no contraband was recovered from the Applicant on record, there is nothing to indicate his complicity in the present crime.

9. Even in the earlier case, there was no recovery from the Applicant, but he was implicated on the statement of the co-

accused in that particular case as well. Since nothing was recovered from the Applicant, the embargo under Section 37 of the NDPS Act may not apply. It appears that *prima facie*, the Applicant may not have committed the said offence and it is unlikely that he may commit the offence again. The present applicant was arrested on 1st March 2023 and it does not seem likely that the trial will conclude in the near foreseeable future. In these circumstances, I am inclined to enlarge the Applicant on bail and hence, I pass the 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 ANC, Ghatkopar Unit, Mumbai once in a month, on the first Monday of every month between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the ANC, Ghatkopar Unit, Mumbai, if any;

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 ANC, Ghatkopar Unit, Mumbai;

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

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

10. Application is allowed in the above terms and is accordingly disposed of.

11. 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)

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signed by
SHAMBHAVI
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SHIVGAN
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