

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1883 OF 2025

Aqeel Ahamd @ Akeel Ahamd s/o. Shakeel
Ahamd @ Akeel Ahmed Shakeel Ahmed .. Applicant

Versus

Union of India & Anr. .. Respondents

.....

- Mr. Sherali S. Khan, Advocate for Applicant
- Mr. Tanvir Kazi, Advocate for Applicant in BA 4936/24
- Ms. Iqra Qureshi a/w Nishad Mokashi i/by Mr. Shreeram Shirsat for Respondent No. 1 - NCB
- Mr. Balraj B. Kulkarni, APP for Respondent No. 2 - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 06, 2025

P. C.:

1. Heard Mr. Khan, learned Advocate for Applicant in present Application; Mr. Kazi, learned Advocate for Applicant in BA 4936/24; Ms. Qureshi, learned Advocate for Respondent No. 1 - NCB and Mr. Kulkarni, learned APP for Respondent - State.

2. Applicant before me is arraigned as accused No. 2 in a NDPS offense. Applicant is arrested on 09.11.2023.

3. Mr. Khan would submit that case of prosecution against Applicant is solely based on the statement recorded by co-accused person in enquiry under Section 67 by the NDPS officers wherein accused No. 1 has disclosed Applicant to be supplier of the alleged

contraband which was received in the post office for onward transmission. He would also inform the Court that accused No. 1 was traced through a person called Mr. Amarjeet whose phone number / sim card number was found on the parcel containing the alleged contraband. Save and except the aforesaid case of prosecution on the basis of co-accused statement, there is no other incriminating material whatsoever neither Applicant has been arrested with any conscious possession of contraband for his indictment. He would submit that 18 months incarceration is an unduly long period in a special offence when charge is also not framed by the prosecution and therefore he would persuade the Court to consider the Application for bail. He would inform the Court that there are 3 accused persons in the crime. Accused No. 1 has filed Bail Application No. 4936/24 wherein order has been passed by this Court, *inter alia*, directing the prosecution namely Union of India to file its affidavit in reply. Union of India has already filed its affidavit in reply therein. Today Ms. Qureshi holding Advocate appears for Union of India. She would submit that Mr. Shirsat has been appointed as Special PP to represent Union of India in the present case. Considering the fact that affidavit in reply has already been filed in BA No. 4936/24, I direct Union of India to file their affidavit in reply in present Bail Application also, if so desired within a period of four weeks from today. If Union of India desires to

rely upon the affidavit in reply in BA No 4936/24, they shall be entitled to do so. I am informed that Bail Application No 4936/24 is adjourned to 03.07.2025.

4. It is seen that insofar as accused No. 1 is concerned, he has been incarcerated in prison since 03.07.2023.

5. I direct that present Bail Application be tagged along with Bail Application No. 4936/24 so that both the Applications shall be heard and decided together.

6. Stand over to 3rd July, 2025.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.05.06
14:41:02 +0530