

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 2077 OF 2025**

Raheman Ali Zulfikar ...Applicant  
Versus  
The State Of Maharashtra ...Respondent

**Mr. Milan Desai**, *with S R Sharma & Rohan Naidu, for the Applicant.*

**Ms Poonam P Bhosale**, *APP for the State-Respondent.*

**Mr U L Pathak**, *PSI attached to ANC- MBVV, present.*

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**CORAM    Dr. Neela Gokhale, J.**  
**DATED:    12<sup>th</sup> November 2025**

**PC:-**

1. By way of the present Bail Application, the Applicant seeks his release on bail in connection with the FIR No.480 of 2024 dated 4<sup>th</sup> October 2024 registered with the Naigaon Police Station, District: Mira Bhayander, Vasai Virar, for the offences punishable under Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

2. The facts of the case, in brief, are that:-

2.1 While the Police officials were on patrolling duty, they found one, Mohammed Monis Inam Gaur (Accused No.1) loitering in suspicious circumstances and found his demeanor to be strange. After complying with the provisions of the NDPS Act, the Accused No.1 was searched and quantity of about 204 grams of Heroin was seized from him. He was taken into custody. Thereafter, in due course, the other co-accused were arrested.

3. The entry in the Station Diary maintained by the Police records the statement of the Accused No.1 that he purchased some quantity of contraband from the Applicant. Based on the said statement, the Police reached the house of the Applicant. After complying with the provisions under the NDPS Act, his house was searched and 80 grams of Heroin along with its packing was recovered from the Applicant. Accordingly, the Applicant was implicated in the present offence and arrested on 15<sup>th</sup> October 2024.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, Vasai, however, by an order dated 23<sup>rd</sup> April 2025, the bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

5. Mr. Milan Desai, learned counsel appearing for the Applicant, submits that even according to the case of the prosecution, an intermediate quantity of 80 grams of Heroin was recovered from the Applicant; there is no connection between the Accused No.1 and the Applicant; there are no antecedents against the Applicant; the Applicant is falsely implicated in the present case; the Applicant was arrested on 15<sup>th</sup> October 2024 and till date, no charges are framed and therefore, it is unlikely that the trial will conclude in a foreseeable future. He thus, prays the Applicant be released on bail.

6. On the contrary, Ms. Poonam Bhosale, learned APP representing the State in the matter, contests the Bail

Application. She submits that total quantity recovered from all the accused, constitutes commercial quantity of contraband to the extent of 204 grams and 80 grams of Heroin recovered from the Accused No.1 and the Applicant respectively. She submits that since Section 29 of the NDPS Act is invoked, all the accused together are complicit in the said offence. She has also tendered a Station Diary Entry, recording the statement of the Accused No.1 that he had purchased some quantity of contraband from the Applicant. She also submits that there is a SIM card in the name of the Applicant, which was used by the Co-accused. In these circumstances, she submits that the Applicant is as much guilty of the offence as the other Co-accused and therefore, his Bail Application be rejected.

7. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

8. It is evident that name of the Applicant does not appear in the FIR and he was arrested on the basis of a statement of

the Accused No.1 that, at some point of time, he had purchased some contraband from the Applicant. Thereafter, on search of Applicant's premises, 80 grams of Heroin was recovered from his house, which admittedly is of an intermediate quantity. Considering that an intermediate quantity of 80 grams of Heroin was recovered from the Applicant, he has no criminal antecedents and he is in custody since 15<sup>th</sup> October 2024 and till date, no charges are framed and therefore, it is unlikely that the trial will conclude in a foreseeable future, I am inclined to release the Applicant on bail. Hence, the following order is passed:

**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 Police Station concerned 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 concerned Police Station, 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 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;

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

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

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

10. 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)