

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2214 OF 2025**

Mujaffar Mobin Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Aswhini Achari a/w Mr. Taraq Sayed, *for the Applicant.*

Ms. Megha S. Bajoria, *for the Respondent.*

API – Suresh Chopade, Shanti Nagar Police Station, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 29th SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 1505 of 2024 dated 24.08.2024 registered with the Shantinagar Police Station, for the offences punishable under Sections 8(c) r/w 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The case of the prosecution is that on 24th August, 2024, when the officials were on patrolling duty, they found in

an open space, one BMW car bearing No. GJ-05-CS-7878 parked near the Mahanagar Palika Pipeline. Two persons, including the Applicant were sitting in the said car; one in the driving seat and the other in the passenger seat. Police on suspicion, inquired with them and as their answers were not satisfactory, they called panchas on the spot and conducted a search. During their search, mobile phones were found in the pocket of both the persons and also, a plastic pouch containing 52 grams of Mephedrone was found in the right pocket of one person namely, Samir. Police seized the mobile phones and contraband and complied with the provisions of the NDPS Act. Thereafter, the FIR came to be registered.

3. The Applicant made a bail application before the Trial Court, however, by order dated 25th April, 2025, the bail application was rejected and hence, the Applicant has filed the present Bail Application before this Court for the reliefs as prayed.

4. Ms. Achari, learned counsel for the Applicant, submits that the Applicant was arrested on 24th August, 2024, and till date charges are not framed. She submits that the Applicant and the co-accused were in a car when the officers intercepted them. Admittedly, there was no recovery at the instance of the Applicant during his personal search. 52 grams of Mephedrone was found from the pocket of the co-accused. In fact, 52 grams of Mephedrone found in the plastic pouch on the person of the co-accused was also just 2 grams above the commercial quantity. The weight of the plastic pouch is likely to be 2 grams. Thus, she submits that the rigors of Section 37 of the NDPS Act will not apply. She submits that there are no antecedents against the Applicant. Hence, she prays for release of the Applicant on bail.

5. Per contra, Ms. Bajoria, learned APP for the Respondent-State, submits that the car in which they were found, belongs to the present Applicant. She further alleges that although only 52 grams of contraband was found with

the co-accused, it is likely that there was a conspiracy between the two accused. She also submits that when the house of the Applicant was searched, a pistol was recovered from the said house and hence, he is also charged with offenses under the Arms Act, 1959 as well as the Maharashtra Police Act, 1951. She submits that charges are likely to be framed soon.

6. I have heard the learned counsels for the parties and perused the record of the case with their assistance.

7. Admittedly, no recovery was made from the Applicant. Even if there is an alleged conspiracy between the Applicant and the co-accused, the quantity of Mephedrone recovered is only 52 grams. It is possible that the weight of the plastic pouch would amount to 2 grams and hence, the Mephedrone recovered would be of non-commercial quantity. Admittedly, the Applicant is incarcerated for about one year and one month. Charges are not yet framed. It is not likely that trial will conclude in the foreseeable future. In the facts

of the present case, I am inclined to enlarge the present Applicant on bail. 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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the concerned Police Station once in a month between 11:00 a.m. to 02:00 p.m. till the charges are framed;
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

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 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.

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

9. 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)