

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3089 OF 2025**

Zahid @ Javedbhai Hanif Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Zehra Charania a/w Mallika Sharma, *for the Applicant.*

Mr. Yogesh Y. Dabke, *for the Respondent.*

API-Santosh Dhadve, *attached to Navghar Police Station,
present.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 08TH DECEMBER 2025**

PC: -

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 27 of 2024, CTNS No. 188 of 2024 dated 14th August, 2024 registered with the Navghar Police Station, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotics and Psychotropic Substances Act, 1985. (for short 'NDPS Act').

2. The offence was registered at the instance of the Police Head Constable, Santosh Dhadve on 14th August, 2024. A Baleno Car driven by the co-accused broke through a nakabandi set up near Airoli toll booth. One Mohammed Kalim Salim Choudhary, the driver of the car was intercepted and the car was stopped. The two people sitting in the rear of the car ran away. The driver of the car was arrested, he is Accused No. 1, i.e. Mohammed Kalim Salim Choudhary,

3. After complying with the provisions of the NDPS Act, the car was searched and 2.29 kgs of MD was recovered from the said car. A mobile phone was seized from the person of Accused No. 1 – Mohammed Kalim Salim Choudhary, upon investigation it was revealed that the mobile phone belonged to Accused No. 5 i.e. Abdul Rahim @ Baba Yakub Shaikh. The mobile phone received frequent calls from the present Applicant. Based on the statement given by co-accused and the call records details, the present Applicant came to be arrested on 16th August, 2024.

4. The Applicant made an application seeking bail before the Special Court for NDPS at Greater Mumbai, however, by order dated 17th July, 2025, his bail application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

5. Ms. Zehra Charania, learned counsel appearing for the Applicant submits that there was no recovery made from the present Applicant. She also submits that there is no CDR between the Applicant and Accused no. 1, from whom the contraband was recovered, to incriminate the present Applicant in the said offence. She states that there is no material on record in the charge sheet showing the statement of Accused No. 1 and Accused No. 2 implicating the present Applicant.

6. Ms. Charania, submits that the present Applicant is arrested only on the basis of WhatsApp calls exchanged between the Accused No. 5, namely, Abdul Rahim @ Baba Yakub Shaikh and the present Applicant. She further submits

that the Applicant was arrested in August 2024, and till date, charges are not framed. There are as many as 35 witnesses that the prosecution intends to examine. In these circumstances, she submits, that the trial is not likely to be concluded in the foreseeable future and prays that the Applicant be released on bail.

7. Mr. Dabke, learned APP, drew my attention to the statement of Mr. Ashraf Mohammad Aslam Shaikh, a relative of the present Applicant, which reveals that the Applicant used to supply Mephedrone to him for consumption. He placed reliance on the CDR revealing several calls between the Accused no. 5 and the present the Applicant. He submits that the Applicant is an associate of all the co-accused and that all the co-accused including the Applicant are engaged in drug deals.

8. Mr. Dabke submits that there is an antecedent against the Applicant, inasmuch as, he was arrested in an NDPS case, in the year 2020. In these circumstances, He further contends

that there is a large web of conspiracy amongst the co-accused and in the given circumstances, prays that the Bail Application be rejected.

9. I have heard counsel for the respective and perused the record with their assistance.

10. Admittedly, there is no recovery from the present Applicant. The present Applicant was arrested purportedly on the call detail records of the Accused No. 5. However, there is no connection established, in the charge sheet, between present Applicant and the contraband recovered. Nor is there any communication record between the Applicant and the Accused No. 1 i.e. Mohammad Kalim Salim Choudhary, from whom the contraband is recovered. The statement of Applicant's relative, Mr. Ashraf Mohammad Aslam Shaikh does not relate to the present offence, however it is his say that he was aware that the Applicant was dealing in drugs.

11. Considering that nothing is recovered from the present Applicant in the present case and that he has suffered incarceration from August 2024, without the trial having commenced and also in the facts and circumstances of this case, *prima facie*, there is reason to believe that the Applicant has not committed the present offence. Hence, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/ 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 Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

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 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 Police Station concerned;

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

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

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

13. 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)