

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3354 OF 2025

Shahabuddin Iqbal Mandai @ Saboo ...Applicant

Versus

The State Of Maharashtra ...Respondent

**Mr. Dilip Mishra a/w Ayaz Khan, Zehra Charania and Mallika
Sharma, for the Applicant.**

Mr. Yogesh Dabke, APP for the State-Respondent.

PI – Sachin Kotmire, Dongri Police Station, is present.

CORAM Dr. Neela Gokhale, J.

DATED: 12th November 2025

PC:-

1. By way of the present application, the Applicant seeks his release on bail in connection with FIR No. 496 of 2024 dated 16th December 2024 registered with Dongri Police Station for the offences punishable under Section 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. There are in all six Accused and the present Applicant is arraigned as Accused No. 5.

3. While on patrolling duty, the police officials apprehended Accused No. 1 and after complying with the

statutory provisions of the NDPS Act, searched and seized about 940 grams of Cocaine from the scooty of the Accused No.1. The Applicant was implicated in the offence on a statement of the co-accused.

4. Mr. Dilip Mishra, learned Counsel for the Applicant, submits that only allegations against the Applicant is that he had provided VI sim card bearing No. 9769078553 to another co-accused namely Umed Ur Rehman Ishrat Hussain Shaikh, wanted by the investigating agency, by sending his employee Nooruddin Shahbuddin Shaikh to purchase the same. He also points to a statement of his employee namely, said Nooruddin who stated that, on the direction of the Applicant, he purchased the same card and gave it to the Applicant who in turn gave the same to the wanted Accused. In these circumstances, the Applicant was arrested on 3rd February 2025.

5. Mr. Mishra submits that the Applicant made a bail application before the Special Judge, NDPS Court, Greater

Mumbai. However, by order dated 1st August 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

6. Mr. Yogesh Dabke, learned APP, on instructions from the Investigating Officer, tendered the case diary of the investigation. The case diary indicates that there was some communication between the wanted Accused and the Accused No. 2 on the mobile phone having the sim card, procured by the present Applicant. He submits that there were several meetings between the Applicant and the other Accused, including meetings of 23rd November 2024 and 3rd December 2024, which Mr. Dabke submits, were in the context of the conspiracy to commit the said offence. He further submits that there are two antecedents against the present Applicant. One C. R. No. 122 of 2019 registered at Malvani Police Station under Section 395 of the IPC. The second antecedent relates to a case registered as DRI/MZU/C/INT bearing No. 119 of 2024 at the instance of the DRI on 30th April 2025. Mr. Dabke

also submits that the present Applicant has connections with people abroad, as he has frequently traveled to South Africa. He contests the application on the aforesaid grounds.

7. Mr. Mishra however, offers an explanation in that regard, saying that the DRI case was registered while the Applicant was already in custody. He thus submits that it is not correct to say that the Applicant committed the offences while on bail in another case.

8. I have heard learned Counsel for the respective parties and perused the record with their assistance.

9. The record as available on date before the Court reveals that the extent of the role of the Applicant is limited to having purchased a sim card through his employee and handing over the same to the wanted Accused. There is no other material on record to indicate that any substance is recovered from the Applicant nor is there any material to indicate any overt act, to establish his complicity in commission of the said offence as

alleged. At this stage, I am of the view that *prima facie* the Applicant has not committed the crime as alleged, on the basis of the material available on record.

10. Having regard to the fact that there is no material available against the Applicant as on date, save and except the antecedents pertaining to the Applicant and that too, while he was in custody, I am inclined to enlarge the Applicant on bail and it is ordered as under:

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 Dongri Police Station, on first Monday of every month between 10:00 a.m. and 12:00 noon, till the charges are framed by the Trial Court. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if

the Applicant is exempted from appearance by orders of the Trial Court;

iii) The passport of the Applicant is already in the custody of the concerned Investigation Officer and the same shall remain in such custody till further orders;

iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) 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;

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

vii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)