

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3361 of 2025**

Adnan Mohammad Mustaq Shaikh ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Kamlesh M. Satre, *for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the State-Respondent.*
PI – K. Nitin Tatyaji, *ANC, Bandra Unit, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 14th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 37 of 2024 dated 31st June 2024 registered with ANC, Bandra, Mumbai for the offences punishable under Sections 8 (c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS, Act').

2. It is the case of the Applicant that on 31st June 2024, during patrolling in the area of Borivali (West), Mumbai, the officials of the patrolling unit found the Applicant and others

lurking in suspicious circumstances in the said area. Thus, the said accused including the Applicant were apprehended. Their physical search was conducted by following the proper procedure. 60 grams of Mephedrone (MD) was recovered from the accused No.2 and the substance were also recovered from the other accused. Thus, the FIR came to be registered.

3. The Applicant moved a bail application before the Special NDPS Court, Greater Bombay and by order dated 16th July 2025, the bail application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Kamlesh Satre, learned Counsel for the Applicant, submits that the Applicant is a young boy of 21 years. He is in custody since 30th June 2024 and thus, has suffered incarceration of about 1 year and 5 months. He submits that 60 grams of Mephedrone was recovered from the Applicant. However, the said substance was in a plastic pouch and hence, it is possible that the weight of the pouch is included in the weight of the substance. In that case, the substance recovered

from him is not likely to be of commercial quantity. He thus, prays that the Applicant be released on bail.

5. Ms. Poonam Bhosale, learned APP, resists the bail application. She submits that 60 grams of Mephedrone recovered from the Applicant is of a commercial quantity. She further submits that the CA report pertaining to the said substance is positive. She further submits that there are only seven witnesses and charges are likely to be framed soon. She further submits that the trial is proceeding at a proper pace. Hence, she resists the said application.

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

7. Admittedly, the Applicant is arrested on 30th June 2024 and has suffered incarceration of about 1 year and 5 months. Admittedly, the charges are not framed as on date and there are as many as 8 witnesses to be examined. Having regard to

the facts and circumstances of the long incarceration of the Applicant, without their being any real possibility of the conclusion of the trial in the near future, I am inclined to accept the arguments of learned Counsel for the Applicant. The Supreme Court in a series of decisions has held that long incarceration militates the conditions of satisfaction of Section 37 of the NDPS Act. Admittedly, there are no antecedents in respect of the present Applicant. In these circumstances, 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 is permitted to furnish provisional cash bail of Rs.50,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks after

his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the police station concerned once in a month, till the charges are framed.

iv) The Applicant shall 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;

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

vi) The Applicant shall not leave India, without permission of the trial Court;

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

viii) 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;

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

x) 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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)