

Ajit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3663 OF 2025

Iqrar Taj Mohammad Baloch ...Applicant

Versus

The State Of Maharashtra ...Respondent

None for the Applicant.

Mrs. Megha S. Bajoria, APP for the State-Respondent.

PSI – Vaibhav Khade, D. N. Nagar Police Station, is present.

CORAM Dr. Neela Gokhale, J.

DATED: 22nd September 2025

PC:-

- 1.** None for the Applicant.
- 2.** The Applicant seeks his release on bail in connection with NDPS Special Case No. 1064 of 2025, registered with D. N. Nagar Police Station, for offences punishable under Sections 8(c) read with 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- 3.** It is the case of the prosecution that on 10th December 2024, while officers of the D. N. Nagar Police Station were on patrolling duty, they received an information that the habitual

offender i.e. the Applicant was in possession of MD (Mephedrone) and was selling the same to customers. The team of the D. N. Nagar Police Station conducted a raid at the house of the Applicant and recovered 77 grams of MD from his house. The co-accused, namely Aadil Akhtar Momin, was also present at the house of the Applicant herein. The Applicant and the co-accused were arrested on 11th December 2024 after the police complied with the requirements of law. The Applicant made an application for bail before the Trial Court and by order dated 3rd September 2025, the same bail application was rejected.

4. Since none appears for the Applicant, I have heard Ms. Bajoria, learned APP appearing for Respondent-State. She has taken me through the grounds raised by the Applicant in his bail application. The thrust of the grounds of bail as can be discerned from the bail application are that there was non-compliance of Section 50 of the Cr. P. C. and Sections 42(2), 50, 52A(3) of the NDPS Act and the Rules made thereunder.

According to the grounds taken by the Applicant, non-compliance of Section 50 of the NDPS Act vitiates the trial, and hence the Applicant has sought his release on bail.

5. Ms. Bajoria has taken me through the documents annexed to the bail application. It appears that the Section 50 compliance has been made. The Applicant's signature appears on the document issued by the Assistant Police Inspector of the D. N. Nagar Police Station, Mumbai. The case diary extracts at pages Nos. 107 and 132 of the application clearly indicate that the reasons for arrest have been communicated to the Applicant and his wife was also intimated. The Applicant is not prejudiced in any manner since the contraband substance was recovered from his house itself in his presence. Similarly, the document at page 132 which is a request of remand made to the Judicial Magistrate First Class, 10th Court, Andheri, Mumbai also indicates clearly the reasons of arrest that have been conveyed to the learned Magistrate.

6. Furthermore, Ms. Bajoria draws my attention to the certificate given by the learned Magistrate, which is annexed at page 51. This document evidences the compliance of Section 52A(3) of the NDPS Act. Ms. Bajoria also contends that the present Applicant has 12 antecedents, out of which 4 cases are under the NDPS Act, in which investigations are yet ongoing. The charge-sheet is filed on 3rd June 2025 and the charges are likely to be framed soon. The Applicant is in custody from 11th December 2024 and has not suffered long incarceration to justify grant of bail.

7. Accordingly, considering the arguments made by Ms. Bajoria and having perused the papers with her assistance, this Court is of the view that no illegality is attributed to the action of the police in seizing the contraband. The same has been recovered from the house of the Applicant and in his presence. It appears *prima facie* that the Applicant is involved in committing the offences as alleged.

8. In view of the aforesaid discussion, and having regard to the seriousness of the allegations, nature of the substance recovered, and the statutory bar under Section 37 of the NDPS Act, this Court is not inclined to exercise discretion in favour of the applicant.

9. Hence, the following order is passed:

(a) The Bail Application stands rejected.

(b) It is, however, clarified that the observations made herein are confined to the consideration of the bail application and shall not influence the trial Court while deciding the matter on merits.

(c) The applicant is at liberty to renew his request for bail if there is any substantial change in circumstances, or at an appropriate stage during the trial.

(Dr. Neela Gokhale, J)