

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3775 OF 2025**

Abdul Shamad Iqbal Shaikh @ Shammo	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Rounak Naik i/b Ms. Lochan Chandka, for the Applicant.
Ms. Poonam P. Bhosale, APP for the Respondent.

CORAM DR. NEELA GOKHALE, J.
DATED: 03RD DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 64 of 2025 dated 12th February, 2025 registered with Tilak Nagar Police Station, Mumbai for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. There are in all four accused. The present Applicant is Accused No. 4. It is the case of the prosecution that while

patrolling duty, Accused No. 1 was caught and was found in possession of 54 gms. of Mephedrone ('MD'). At his behest, the Accused No. 2 was also arrested, but nothing was recovered from him at that point of time. One of the co-accused disclosed the name of one Shammo who according to the said accused was their supplier. It was disclosed by the same accused that the said Shammo used to pay them Rs. 3,000/- per day to distribute drugs supplied by him. Thus, the police arrested the present Applicant, as "Shammo", on 16th March, 2025 on the presumption that the present Applicant is Shammo.

3. The Applicant made an application seeking bail before the Special Court (NDPS), Greater Bombay, however, by order dated 19th September, 2025 his bail application was rejected and hence, he is before this Court seeking the relief as prayed.

4. Mr. Rounak Naik, learned counsel appearing for the Applicant, submits that there is no recovery from the present Applicant. He also submits that this is a case of mistaken

identity and he is not the person called Shammo, whose name is disclosed by the co-accused. He further submits that there is no compliance of Section 42 of the NDPS Act and even the arrest panchnama in respect of Applicant is not recorded by the police. He submits that there is no material on record to indicate that the Applicant has committed the said offence and as such, he prays that the Applicant may be released on bail.

5. Ms. Poonam Bhosale, on the other has tendered details available with the police regarding the antecedents of the present Applicant. It appears that there are as many as 22 antecedents against the present Applicant. She also submits that the facts of the case as recorded by the police connect the present Applicant with the other accused. She submits that the offence is serious, there is conspiracy between the present Applicant and the co-accused and hence, the Bail Application is rejected.

6. I have heard learned counsels appearing for the respective parties and perused the papers, with their assistance.

7. It appears that admittedly there is no recovery made from the present Applicant. I have perused the statements of the witness carefully and I have not found any material that connects the present Applicant with the co-accused. There is also no record of the panchnama pertaining to the present Applicant. Merely because there are certain antecedents against the Applicant, without his active involvement in the present CR, the Applicant cannot be made to suffer prolonged incarceration.

8. In the facts and circumstances of the present case, *prima facie*, there is no reason to believe that the Applicant has committed the offence as alleged.

9. In these circumstances, 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.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 Police Station concerned 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, 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.

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

11. 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)