

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3850 OF 2025**

Mehndi Hashmi Najmul Hasan Syed	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Ms. Mallika Sharma i/by Ayaz Khan and Zehra Charania, *for the Applicant.*
Ms. Manisha R. Tidke, *APP for the Respondent - State.*
API – Sagar Bhokare, Mahim Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 09TH OCTOBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.109 of 2025 dated 16th March, 2025, registered with the Mahim Police Station, for the offences punishable under Sections 8(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The facts of the present case in brief are that, on 16th March, 2025, on a secret information received by the police regarding suspicious activity of one lady loitering near Maqdam Shah Baba Dargah, Kala Banglow, Mahim (W). After complying with the requirements of the NDPS Act, arrested the lady. A quantity of 16 grams of Mephedrone (MD) was found in her possession. During the interrogation, she revealed that the said contraband was provided to her by her father i.e. the Applicant herein for distribution. Pursuant thereto, the police on the next day i.e. on 17th March, 2025, arrested the Applicant from Malvani and accordingly, the FIR was registered against him. Applicant is in custody since 17th March, 2025.

3. Ms. Sharma, learned counsel for the Applicant submits that there was nothing recovered from the Applicant it was only on the statement of his daughter i.e. Accused No.1, that he was arrested. She submits that even the substance recovered from his daughter was of non-commercial quantity.

She has also placed on record a series of decisions of the Supreme Court in which Applicants were enlarged on bail. She thus, submits that since there was no recovery from him rigors of Section 37 will not apply. She thus, prays that the Applicant be released on bail.

4. Per contra, Ms.Tidke, learned APP representing the State, submits that the Applicant is the main accused and it is revealed from the investigation that he was the distributor and through his daughter he has been selling the contraband. She submits that the Applicant has six antecedents out of which two related to NDPS Act. On this ground Ms.Tidke, prays that the Application be rejected.

5. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

6. It appears from arrest form pertaining to the arrest of the Applicant herein, that he was arrested on 11:29 p.m.

i.e. after sunset. There are no reasons recorded by the officials regarding necessity of arresting him beyond sunset. Admittedly, no recovery is made from the Applicant. In these circumstances, I am inclined to enlarge the Applicant on bail. Hence, the following order is passed:-

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.;

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.

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

8. 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)