

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3921 OF 2025**

Mohammed Israul Mohd. Mubarak Ansari	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Gorakh Liman, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the Respondent-State.*

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. 28 of 2025 dated 02nd February, 2025 registered with the Deonar Police Station, Mumbai for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(C) and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS' Act).

2. There are in all five accused. The present Applicant is Accused No. 4. The case of the prosecution in brief, is that the Accused No. 1-Shabana Shah alias Shabbo was arrested and commercial quantity of ganja was recovered from her. A sim card was retrieved from the Accused No. 2-Jayda Bano and it transpired that the said sim card was in the name of the wife of the present Applicant, who is also arrayed as Accused No. 3 in the present C.R. This led the police to the doorstep of the Accused Nos. 3 and 4. After following the procedure under the NDPS Act, they arrested the present Applicant. Nothing was recovered from the possession or premises of the present Applicant. However, it was revealed that the role of the present Applicant was limited to packing the contraband and loading the same in the truck. Hence, the Applicant was implicated in the present offence.

3. The Applicant made an application for bail before the Special Court (NDPS), Greater Bombay, however, by order dated 24th September, 2025, the bail application was rejected

and hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Gorakh Liman, learned counsel appearing for the Applicant, submits that nothing was recovered from the present Applicant. He further submits that there is no arrest panchnama in the charge sheet in respect of present Applicant. He was never arrested on the statement of the co-accused and there is no material on record to connect the present Applicant with the said offence. He thus prays that the Applicant be released on bail.

5. Ms. Megha S. Bajoria, learned APP, on instructions, submits that the sim card, which was retrieved from the Accused No. 2-Jayda Bano, was found to be in the name of the Applicant's wife. On further investigation, it transpired that the present Applicant and his wife were hired by the main accused to transport the said contraband. She further concedes that there are no antecedents as against the present

Applicant. She further submits that offence is serious and the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. A plain reading of the FIR indicates that nothing was recovered from the present Applicant and it was only on the basis of his name being taken by the co-accused that he was arrested. There is no material on record to establish his connection with the Accused Nos. 1 and 2, from whom contraband was recovered. Admittedly, there are no antecedents against the present Applicant; he is in custody from 11th February, 2025 and has suffered incarceration for almost nine months. In the aforesaid backdrop, there is reasonable ground to believe that the present Applicant has not committed the offence as alleged and is not likely to commit the said offence if released on bail. In any event since there is no recovery from him, rigors of Section 37 of the

NDPS Act, in the facts and circumstances of the present case, will not apply.

8. 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.

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

10. 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)