

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4164 OF 2025

Akhilesh Pratap Singh ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Ayaz Khan, *with Dilip Mishra, Zehra Charania and Mallika Sharma, for the Applicant.*

Mr. Yogesh Y Dabke, *APP for the State-Respondent.*

Mr. Sopan Wadkar (Pairvi), *PSI attached to Sakinaka Police Station, present.*

Mr. Pankaj Pardeshi (IO), *PSI attached to Sakinaka Police Station, present.*

CORAM Dr. Neela Gokhale, J.
DATED: 21st November 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R.No.986 of 2024 dated 31st December 2024 registered with the Sakinaka Police Station, Brihanmumbai City for the offences punishable under Sections 8(c), 22(B), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

2. The facts of the case are that:-

2.1 While the Police were on patrolling duty on 31st December 2024, they apprehended Accused No.1-Israel Abdul Subhan Shaikh. After complying with the provisions of the NDPS Act, 30 grams of Mephedrone ('MD') were seized from him. He led the Police to identify Accused No.2-Jasim Shakil Shaikh from whom 5 gms of MD were recovered. There was a disclosure panchanama, leading the Police to a place in Gosaiganj, Lucknow, Uttar Pradesh, where they apprehended Accused No.4 on 8th February 2025. No recovery was made from Accused No.4. However, a mobile phone was recovered from him. Compliances under the NDPS Act were made.

2.2 It is the case of the prosecution that from the mobile phone of Accused No.4, the contact number of Accused No.5 (Applicant herein) was recovered. There were some conversation, photos and WhatsApp messages between Accused Nos.4 and 5 recovered from the mobile phone, leading the Police to search, detain and thereafter, arrest

Accused No.5. On a disclosure made by Accused No.5, the Police searched the premises disclosed by him and recovered 5.88 kgs of liquid MD and 500 gms of MD powder under the disclosure panchanama. Accused No.5 was arrested on 8th February 2025.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), Greater Bombay, however, by order dated 17th October 2025, the same came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Ayaz Khan, learned counsel appearing for the Applicant, without prejudice to other grounds of objection raised by him in the Bail Application, at the very outset, points to the continued panchanama recorded by the Police relating to apprehension and arrest of Accused Nos.1 to 5. It appears from the said panchanama that on 8th February 2025 at about 12.40 hours, Accused No.4 was arrested and a mobile phone was recovered from him. The said panchanama was

concluded at 13.15 hours. Mr. Khan further points to the continued panchanama, which recorded that on the same date, i.e., on 8th February 2025, immediately 5 minutes thereafter, i.e., at 13.20 hours, Accused No.5 was apprehended and pursuant to his disclosure, 500 gms of MD and 5.88 kgs of liquid MD were recovered from the premises. Mr. Khan submits that the entire panchanama is suspicious, since there is no mention as to how the Police were led to the Applicant, to implicate him in the present offence. He thus, submits that on this ground alone, the Applicant deserves to be released on bail.

5. Mr. Yogesh Dabke, learned APP representing the State in the matter, resists the Bail Application. He has drawn my attention to Pages 85 to 87 of the application, which is the extraction and report panchanama dated 12th April 2025. He has attempted to explain that there was contact between Accused No.4 and the Applicant and some WhatsApp messages were exchanged between them, leading the Police to

apprehend the Applicant. He submits that there were 44 WhatsApp calls, some pictures of MD powder and some payment withdrawal slips found in the mobile phone recovered, leading the Police to apprehend the Applicant. He submits that huge quantity of contraband was recovered from the premises of the Applicant; the offence is serious and hence, the Bail Application be rejected.

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

7. *Prima facie*, I am inclined to believe Mr. Khan's submissions. I have perused the panchanama dated 8th February 2025 as well as the extraction panchanama report of 12th April 2025. It is clear from both the panchanamas, extraction of the messages, that the Applicant's contact number was revealed on 12th April 2025 and therefore, logically the Police learnt the identity of the Applicant only on 12th April 2025. There is nothing on record, especially in the panchanama dated 8th February 2025, to demonstrate as to

how the Police sleuths had any suspicion regarding the Applicant and what led them to the Applicant. In this view of the matter, the panchanama *prima facie* appears to be suspicious. There are reasonable grounds to believe that the Applicant has not committed the offence, as alleged.

8. In this view of the matter, 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.40,000/- with one or two local sureties in the like amount;

ii) The Applicant shall attend the Police Station concerned once in a month on the first Monday of every month between 11:00 a.m. and 02:00 p.m.;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

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

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 mobile 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;

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. The 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)

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