

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4230 of 2025**

Nasir Dastagir Sayyad ...Applicant
Versus
State of Maharashtra _____ ...Respondent

Mr. Rajendra S. Bidkar, *for the Applicant.*

Ms. Anamika Malhotra, *APP for the State-Respondent.*

CORAM Dr. Neela Gokhale, J.
DATED: 17th November 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 51 of 2025 dated 26th January 2025 registered with Chitalsar Police Station for the offences punishable under Sections 8(c), 22(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. The facts of the case, in brief, are that on 25th January 2025, the police officials received secret information that two persons namely Moin Mohammad Arif Nirban and Mahammad Mujammil Nagori would come near Happy Valley

Circle, Manpada, Thane to offer 150 grams Mephedrone (MD) for sale. After compliance with the statutory principles of the NDPS Act, a trap was laid and when the accused were found at the said place, they were apprehended by the raiding party. Two packets of Mephedrone powder weighing 76.4 grams and 76.1 grams were recovered from the possession of the accused No.1 namely Moin Mohammad Arif Nirban. Both the accused were arrested, pursuant to which the FIR was registered. Upon interrogation, the accused No. 1 disclosed the name of the present Applicant as the supplier of the said contraband substance. Accordingly, the police arrested the present Applicant after compliance with the statutory provisions of the NDPS Act.

3. The Applicant made a bail application before the Special Judge, NDPS, Thane. However, by order dated 3rd October 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Rajendra S. Bidkar, learned Counsel for the Applicant, submits that there was nothing recovered from the present Applicant. He also points to the panchanama pertaining to recovery of mobile phones from the accused Nos. 1 and 2 as well as the present Applicant. He submits that nothing incriminating was found in the contents of the mobile phone. He further submits that there is nothing to connect the accused Nos. 1 and 2 with the present Applicant in the commission of present offence. Hence, he prays that the Applicant be enlarged on bail.

5. Ms. Anamika Malhotra, learned APP, submits that there is a disclosure statement made by accused No.1 namely Moin Mohammad Arif Nirban, taking the name of the present Applicant as the supplier of the said contraband. She further submits that there is also one antecedent against the present Applicant. In these circumstances, she resists the Bail Application.

6. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

7. I have perused the panchanama and the disclosure statement made by accused No.1 namely Moin Mohammad Arif Nirban. Undoubtedly, he has revealed the name of the present Applicant as a person supplying the said contraband to accused Nos. 1 and 2 for further distribution to consumers. Be that as it may, there is nothing recovered from the present Applicant. His mobile phones were also seized and admittedly, there is nothing recovered from the said phones as well. There are no financial transactions on record indicating any connection between accused Nos. 1 and 2 and the Applicant. *Prima facie*, at this stage, there is no material to indicate that the Applicant is complicit in the present offence, save and except the statement of the co-accused. In these circumstances, the rigours of Section 37 of the NDPS Act are satisfied.

8. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed by the Trial Court. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;

vi) The Applicant to co-operate with the conduct of the trial;

vii) 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 Trial

Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)