

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4287 OF 2025**

Yunus Mohammed Umar Gori ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Zoheb Shaikh, *for the Applicant.*

Ms. Poonam P Bhosale, *APP for the Respondent-State.*

Mr. Somnath Avhad, *attached to Tilak Nagar Police Station,
present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 20TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 64 of 2025 dated 12th February 2025 registered with the Tilak Nagar Police Station, Brihanmumbai City 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 4 accused. It is the case of the prosecution that while on patrolling duty, Accused No.1 was caught and found in possession 54 gms of Mephedrone ('MD'). At his behest, Accused No.2 was also arrested but nothing was recovered from him. The Applicant is Accused No.3. One of the co-accused disclosed the name of the Applicant, as being the supplier of the MD. Accordingly, on further investigation and after following due procedure under the NDPS Act, the Applicant was apprehended and arrested on 24th February 2025. Nothing was recovered from his person. However, the Applicant in his disclosure statement under Section 27 of the Indian Evidence Act, 1872, stated that there was 30 gms of MD hidden away in a room belonging to his friend. Thereafter, the Police reached the said room and recovered 30 gms of MD, stashed away in the roof, hidden between the tiles of the walls.

3. The Applicant made successive bail applications seeking bail before the Special Judge (NDPS), Greater Bombay,

however, by orders dated 25th June, 2025 and 10th October 2025, bail applications came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Zoheb Shaikh, learned counsel appearing for the Applicant, at the outset, submits, that no contraband was recovered from possession of the Applicant. He further submits that on disclosure statement made by the Applicant when the Investigating Agency reached the place of disclosure, one person, namely, Jaiganesh opened the door and 30 gms of MD was recovered from the place of disclosure. Mr. Shaikh, learned counsel appearing for the Applicant further submits that no statement of said Jaiganesh was recorded and according to him, the said person is totally unknown to the Applicant. He also submits that Accused No.1 is released on default bail by the Sessions Court and Accused No.2's arrest was declared as null and void as he was not produced before the learned Magistrate within 24 hours from his arrest. Accused Nos. 3 (Applicant herein) and 4 remain in

custody. In these circumstances, he submits that he has not committed any offence much less the offence as alleged and there are no antecedents against him in so far as the offences under the NDPS Act are concerned. He thus, prays that the Applicant be enlarged on bail.

5. Per contra, Ms. Anamika Malhotra, learned APP representing the State in the matter, contests the Bail Application. She submits that 30 gms of MD has been recovered at the behest of the Applicant. She further submits that although, the quantity of MD recovered at the behest of the Applicant, is of intermediate quantity, however, it is not of right that the Applicant is entitled to bail. She submits that there are 2 antecedents against the Applicant *albeit*, same are under the provisions of the Indian Penal Code, 1860 and not that of NDPS. She thus, submits that the Bail Application be rejected.

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

7. Admittedly, quantity of MD recovered at the behest of the Applicant is of intermediate quantity thus, rigors of Section 37 of the NDPS Act are not required to be invoked. Even, in the facts of the case, the statement of Jaiganesh, i.e., the person who was found in the room, in which the said contraband was recovered, has not been recorded. The Applicant states that the said Jaiganesh is neither his friend nor known to him. In these circumstances and especially considering that quantity of MD recovered is not a commercial quantity, 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 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 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.

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

9. 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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signed by
SHAMBHAVI
NILESH
SHIVGAN
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