

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4306 OF 2025**

Mazhar Abdul Khalik Khan ...Applicant
Versus
State Of Maharashtra ...Respondent

Ms. Munira Palanpurwala, *with Deepa Amati, Kainat Sayed & Sumaiya Khan, for the Applicant.*
Ms. Poonam P Bhosale, *APP for the State-Respondent.*
Mr. Ganesh Holkar, *API attached to RAK Marg Police Station, present.*

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

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 232 of 2025 dated 3rd July 2025 registered with the R.A. Kidwai Marg Police Station, Brihanmumbai City for the offences punishable under Sections 8(c), 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and under Sections 4 and 25 of the Arms Act, 1959.

2. The case of the prosecution, in brief, is that:-

2.1 On 3rd July 2025 when the Police were on patrolling duty, in an area near Wadala, they found one person, in a cloth factory, behaving in suspicious manner. Hence, after complying with the provisions of NDPS Act, the said person was apprehended and searched. Thirty-six bottles of 'Onerex' cough syrup were recovered from the said person. On the disclosure made by the said person, the Police apprehended the Applicant from the different location. No recovery was made from the Applicant. As per the prosecution story, the Applicant was apprehended on the statement of an independent witness, his friend namely, Azhar Ayub Khan. He stated that the Applicant was involved in a drug dealing racket. According to his statement, the Applicant had stored several bottles of contraband in his shop. The Police searched the said shop and recovered 2 swords and one axe from the shop. However, no contraband was recovered either from

Applicant's possession or his premises. He was arrested on 13th July 2025 and remanded to judicial custody.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), Mumbai, however, by order dated 8th October 2025, the same was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. At the very outset, Ms. Munira Palanpurwala, learned counsel appearing for the Applicant, submitted that nothing was recovered from the Applicant and there is no material on record to indicate his involvement in any offence much less an offence alleged under the NDPS Act. She submits that merely on the statement of the acquaintance of the Applicant, the law has been set in motion to arrest the Applicant and on this ground alone, the Applicant deserves to be enlarged on bail.

5. Ms. Poonam Bhosale, learned APP representing the State in the matter, submits that the offence is serious and although nothing was recovered from the Applicant, his friend, an

independent witness has stated that the Applicant is heavily involved in dealing with the contraband. In fact, his friend himself informed the Police that the Applicant used to store bottles of contraband in his shop. Learned APP also submits that there is one antecedent against the Applicant in respect of Indian Penal Code, 1860 although there is no antecedent pertaining to any offence under the NDPS Act. She thus, submits that the Bail Application be rejected.

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

7. Admittedly, nothing was recovered from the Applicant. There is no material on record to indicate his involvement in the offences under the NDPS Act. The Police were tipped off by the Accused No.1 as well as the Applicant's friend, who stated that the Applicant used to store contraband in his shop. Other than the above statement, there is nothing to indicate his implication in the offence.

8. Considering the facts as aforesaid, no reasonable belief can be recorded that the Applicant is involved in the commission of the alleged offence. The embargo of Section 37 of the NDPS Act is satisfied. Hence, 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. to 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)

SHAMBHAVI
NILESH
SHIVGAN

Digitally signed by
SHAMBHAVI NILESH
SHIVGAN
Date: 2025.11.21
19:16:55 +0530