

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4369 OF 2025**

Raja Muthupayyan Devendra @ Jamal Raja **...Applicant**

Versus

State of Maharashtra **...Respondent**

Mr. Kamlesh Mahadev Satre, for the Applicant.
Ms. Anamika Malhotra, APP for the Respondent-State.

CORAM DR. NEELA GOKHALE, J.
DATED: 25th NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 162 of 2023 dated 23rd May 2023 registered with the Sion Police Station, Brihanmumbai City for the offences punishable under Sections 8(c) and 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, as discerned from the FIR, is that:-

2.1 While on patrolling duty, the officers of the Sion Police Station, Mumbai, found the Applicant loitering in suspicious circumstances. After complying with the provisions of the NDPS Act, the Police took search of the Applicant and 53.4 grams of Mephedrone ('MD') was found from his person. FIR was registered and the Applicant was arrested on 23rd May 2023.

3. The Applicant made an application seeking bail before the N.D.P.S. Special Judge, City Civil & Sessions Court, Greater Bombay but by order dated 7th December 2024, the same came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Kamlesh Satre, learned counsel appearing for the Applicant, contends that the contraband alleged to have been recovered from the Applicant weighed 53.4 grams with its packing, the commercial quantity is 50 grams and if, the

weight of the packing is excluded, the contraband so recovered would be of intermediate quantity. He has placed on record decision of the Supreme Court in the matter of **Abuzar Shakeel Khan Vs. The State of Maharashtra**¹ in support of his contention.

5. Ms. Anamika Malhotra, learned APP representing the State, on the other hand, submits that the contraband recovered from the Applicant is of commercial quantity and hence, rigors of Section 37 of the NDPS Act will apply. Ms. Malhotra, learned APP, thus, prays that the Application be rejected. However, Ms. Malhotra submits that there are no antecedents against the Applicant.

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

7. Admittedly, 53.4 grams of Mephedrone was recovered from the Applicant, however, in view of the observations of the Apex Court in ***Abuzar Shakeel Khan (Supra)***, where the Apex Court has observed that if the weight of the packing is

1 SLP (Crl.) No. 7284 of 2025.

excluded, the contraband so recovered would be of intermediate quantity, it is possible that the weight of the contraband recovered from the present Applicant, excluding the weight of the plastic pouch, may be of intermediate quantity.

8. Considering that the Applicant has suffered incarceration for more than 2 years and the charges have been framed very recently, i.e., on 4th November 2025 and there are as many as 15 witnesses that the prosecution intends to examine, there is no likelihood of the trial being concluded in the near future. Admittedly, there are no antecedents against the Applicant and therefore, it is not likely that he would repeat the said offence. In these circumstances, I am inclined to grant bail to the Applicant 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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned, if any;
- iv) The Applicant shall not leave India, without the permission of the Trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) 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;
- vii) The Applicant to co-operate with the conduct of the trial;

viii) 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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signed by
SHAMBHAVI
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SHIVGAN
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