

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4607 OF 2025**

Bhagyashri Amit Kadam	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Khan Sherali Shakhigul, *with Veeraj Naik and Tabish Shaikh, for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the Respondent-State.*
IO Mr. Shinde, *API attached M.H.B. Colony Police Station, Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 10TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks her enlargement on bail in connection with FIR No. 340 of 2025 dated 29th May 2025 registered with the M.H.B. Colony Police Station, Mumbai for the offences punishable under Sections 8(c) read with 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). There is only one accused in the case at this stage.

2. As discerned from the FIR, the case of the prosecution is that the Applicant was apprehended during patrolling by the Police Officers and was found to be in possession of 30 gms of Mephedrone ('MD') kept in 3 polythene bags. Each polythene bag contained 10 gms of MD. The said bags were recovered from the left front pocket of the jeans, which the Applicant was wearing. Thereafter, she made disclosure that she had kept more quantity of MD in her house. After complying with the provisions of the NDPS Act, her house was searched and 23 gms of MD kept in a polythene bag was found in her house and hence, the FIR was registered and the Applicant was arrested.

3. The Applicant made an application seeking bail before the N.D.P.S. Special Judge, City Civil & Sessions Court, Greater Bombay, however, by order dated 21st November 2025, her bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Sherali Khan, learned counsel appearing for the Applicant, at the outset, submits that if the weight of each polythene bag, in which 10 gms of MD was stored, is excluded, each bag would contain 8 gms of MD and the total would come to 24 gms of MD. Thus, the total quantity of MD recovered from the Applicant, would only be 47 gms, which is below the commercial quantity under the NDPS Act. He further submits that search of the Applicant was taken under the male gaze *albeit* by a female police officer. He also submits that the officials have not complied with the provisions of Section 42 of the NDPS Act. In these circumstances, he submits that the Applicant be released on bail.

5. *Per contra*, Ms. Poonam Bhosale, learned APP representing the State in the matter, submits that the offence is serious; the Applicant, in the *Nivedan Panchanama*, has disclosed that she was dealing in the said contraband as she wanted to earn easy money to maintain her son. Ms. Bhosale

thus, submits that selling of contraband was an easy way to earn money for the Applicant and she herself was the kingpin in a drug racket prevailing in the locality. She also submits that there is WhatsApp conversation between her and another person, which has been retrieved by the Police and the same has been sent for verification. The C.A.Report is yet awaited. Hence, Ms. Bhosale, learned APP, 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, 3 polythene bags containing 10 gms of MD in each bag, were recovered from the Applicant. I find some substance in the submission of Mr. Sherali Khan that since the weight of substance was taken along with the polythene bag containing it, it is quite possible that the weight of each polythene bag was 2 gms and hence, the quantity recovered from the Applicant would be of intermediate quantity. The Applicant is a woman and is having a school going child, who

is presently being looked after by her old mother. The Applicant had lost her husband on 2nd May 2025 itself. Considering that the charge-sheet is filed and the quantity of substance seized from the Applicant is likely to be less than commercial quantity, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/ 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) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

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

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 her latest place of residence and 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 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. 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)

SHAMBHAVI
NILESH
SHIVGAN

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