

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4612 OF 2025**

Ejaz Ahmed @ Pappu Nisar Ahmed Ansari **...Applicant**

Versus

State of Maharashtra **...Respondent**

Mr. Taraq Sayed, *with Ashwinii Achari, Anish Pereira, for the Applicant.*

Ms. Anuja Sunil Gotad, *APP for the Respondent-State.*

Mr. R.P. Shinde, *PSI attached to Bhiwandi Crime, Thane City, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 10TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 0299 of 2025 dated 12th March 2025 registered with the Shanti Nagar Police Station, Thane 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. The case of the prosecution, in brief, is that on 11th March 2025, the Police received a secret information that a person, namely, Ejaz Ahmed Nisar Ahmed Ansari will come in an area near Bhiwandi to sell Mephedrone ('MD') powder. Information was recorded and forwarded to the Senior Police Officer. Thereafter, a raiding party was constituted, Pre-trap *Panchanama* was recorded and thereafter, following the due provisions of the NDPS Act, the said person, i.e., the Applicant was apprehended. He was given a written notice as contemplated under Section 50 of the NDPS Act, intimating him about his legal right to be searched in the presence of a Magistrate or a Gazetted Officer. He however, declined and permitted Police Officers to carry out the search. Upon his personal search, a plastic pouch containing 56 grams of MD was recovered from the pocket of the Applicant. Accordingly, he was arrested on 12th May 2025, pursuant to the FIR being registered.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Bhiwandi, however, by order dated 28th October 2025, his bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Taraq Sayed, learned counsel appearing for the Applicant, submits that there is violation of Sections 42 and 50 of the NDPS Act and the weight of the contraband, which was found to be 58 gms with the plastic pouch, was found to be 56 gms in the Inventory *Panchanama* before the Magistrate. He submits that thus, there is uncertainty about the actual contraband seized and produced before the Magistrate during the Inventory *Panchanama*. He submits that since there is gross non-compliance of the provisions of the NDPS Act, the Applicant be enlarged on bail.

5. Ms. Anuja Gotad, learned APP representing the State in the matter, on the other hand, has defended the allegations of shortcomings in compliance of the NDPS Act. She has pointed

to the written note recorded in compliance of Section 42 of the NDPS Act as well as the letter given to the Applicant in compliance of Section 50 of the NDPS Act. She also submits that the difference of 2 gms is not so significant to justify enlarging the Applicant on bail. She further submits that this is not a case of long incarceration as he was arrested only in March 2025. She thus, prays that the Bail Application be rejected.

6. Mr. Taraq Sayed, learned counsel appearing for the Applicant, has also placed on record several decisions of this Court wherein the accused was enlarged on bail for the sole reason of non-compliance with Section 50 of the NDPS Act. I have heard the parties and perused the record with their assistance.

7. I have perused the Inventory *Panchanama* dated 20th March 2025 wherein the contraband has been marked as 'A' and the samples are marked as 'A-1' and 'A-2'. However, the *panchanama* does not record anything purporting to identify

the contraband. In my view, this is sufficient to *prima facie* lead to believe that the Applicant has not committed the said offence. The other ground, which Mr. Sayed, has raised pertaining to the implication by the Police Officer that he himself was also a gazetted officer, in the facts and circumstances of the present case, is not sufficient to justify grant of bail on that ground.

8. Admittedly, there are no antecedents in respect of the Applicant, hence, it can be safely observed that he is not likely to repeat the said offence in future. In these circumstances, considering the lapses in the *panchanama*, 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.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) 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 his 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 his 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.

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

(DR. NEELA GOKHALE, J)