

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4660 OF 2025**

Rizwan Ismail Khan @ Butter	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Ms. Mallika Sharma *a/w Ayaz Khan, Dilip Mishra and Zehra Charania, for the Applicant.*
Ms. Anuja S. Gotad, *APP for the State-Respondent.*
PSI – S. K. Ghuge, *V. P. Marg Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 16th DECEMBER 2025

PC:-

- 1.** The Applicant seeks his release on bail in connection with C.R. No. 584 of 2025 dated 26th April 2025 registered with the V. P. Marg Police Station, Mumbai 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 two Accused. A quantity of 168 grams of Mephedrone (MD) was recovered from the Accused No.1.

However, there was no recovery made from the present Applicant.

3. The Applicant made an application seeking bail before the Special NDPS Court at Greater Bombay. However, by order dated 28th November 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Ms. Mallika Sharma, learned Counsel for the Applicant, submits that this is a case of false implication. No contraband substance was recovered from the Applicant's possession. It is only on the basis of the statement of the Accused No. 1, from whom the recovery was made, stating that he used to purchase the contraband from the present Applicant, the Applicant was arrested.

5. Ms. Sharma also submits that when the Applicant learned that the police were looking for him, he himself approached the police station and surrendered to the custody of the police. She submits that there is no material in the

entire charge-sheet to *prima facie* connect the present Applicant with the offence alleged against the Accused No.1. She thus prays that the Applicant be enlarged on bail.

6. *Per contra*, Ms. Anuja Gotad, learned APP, opposes the Bail Application. She submits that the co-accused was found with 168 grams of MD and has confessed the involvement of the present Applicant as being the dealer of the said contraband. Ms. Gotad further points out that there is an antecedent against the Applicant pertaining to an offence under the NDPS Act, *albeit* the said offence is in respect of non-commercial quantity of contraband.

7. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

8. Admittedly, no recovery was made from the present Applicant. The only material against the present Applicant is the statement of the co-accused that he purchased the contraband from the present Applicant. There are no emails or WhatsApp messages exchanged between the Applicant and

the co-accused, nor is there any material indicating any financial transaction between the co-accused and the Applicant. The Applicant is in custody since 28th April 2025 and the trial has not commenced as on date. The embargo of Section 37 is also satisfied as prima facie it does not appear that the Applicant has committed the offence.

9. In these circumstances, I am of the view that there is reasonable ground to believe that the Applicant has not committed the said offence as alleged and that he is not likely to commit a similar offence if enlarged on bail.

10. In view of the aforesaid, I am inclined to enlarge the Applicant on bail 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 as directed, till the conclusion of the trial,

save and except if the Applicant is exempted from appearance by orders of the Trial Court.

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

iv) The Applicant shall not leave India, without 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 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 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.

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

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)