IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

37 ANTICIPATORY BAIL APPLICATION NO. 1853 OF 2026

Kayyum Akbar Sayyad ....Applicant

VERSUS

The Superintendent of Police & another .....Respondents
.....

Mr. V. S. Wakale, Advocate for Applicant
Mr. N. R. Dayama, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 12th OCTOBER, 2026.

PER COURT :

1. Applicant seeks pre-arrest bail in connection with Crime No. 0634/2026 registered with Newasa Police Station, District Ahilyanagar, for the offences punishable under Sections 20 and 22 of Narcotic Drugs and Psychotropic Substances Act.

2. First Information Report indicates that pursuant to the secret information received by the police, raid was conducted on 24.07.2026 in which contraband ganja came to be seized from the co-accused. Applicant is not named in the First Information Report. On the basis of alleged statement of the co-accused, his involvement is sought in the crime.

3. Learned Counsel for the Applicant submits that except for the alleged statement of co-accused, which is not admissible in evidence, there is absolutely no evidence against the Applicant in the crime in question. It is his submission that considering the said fact, there is no evidence to show his involvement in the crime and as such, his liberty deserves to be protected.

4. Learned APP opposed grant of any protection to the Applicant by referring to the antecedents against him so also the externment order came to be passed against him.

5. The incident in question has occurred on 24.07.2026 in which seizure of contraband was done from co-accused. Even if the statement of the co-accused is considered to the limited extent, still for over a period of three months, the investigating agency could not collect any evidence to establish complicity of the Applicant in the crime. Thus, except for the alleged statement of the co-accused, which would not be admissible in evidence, there is no evidence to show involvement of the Applicant in the crime. Hence, liberty of the Applicant deserves to be protected in following terms :-

ORDER

(i) In the event of arrest of applicant Kayyum Akbar Sayyad, in connection with Crime No. 0634/2026 registered with Newasa Police Station, District Ahilyanagar, for the offences punishable under Sections 20 and 22 of Narcotic Drugs and Psychotropic Substances Act, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) He shall attend the concerned police station as and when called.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI, J.)

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