Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3841 OF 2026

Irshad Samsher Khan .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Chaitanya C. Mulawkar a/w. Mr. Vaibhav Lawande, Advocates for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent – State.
- API – Dr. Dangare A.M., Kothrud Police Station, Pune City present.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026

P.C.:

1. Heard Mr. Mulawkar, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent – State.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.85 of 2024 registered with Kothrud Police Station for offences punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**').

3. Applicant is in judicial custody for the past 2 years 6 months pending trial. He has been apprehended and arrested with regard to the 56 grams of the alleged contraband MD. Not withstanding the fact that the commercial quantity has been objected to by the learned

Prosecutor, I am inclined to consider the case of Applicant for bail solely in view of the fact that the charge has been framed but trial has not commenced and it will take a humongous amount of time for the trial to commence and for that matter to conclude.

4. That apart, non-compliance of the provisions of Section 50(1) of NDPS Act has also been argued, but I need not detain myself with the said ground. On the ground of long incarceration, Applicant is granted bail.

5. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – Irshad Samsher Khan is directed to be immediately released from prison in connection with CR. No.85 of 2024;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00

p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

6. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

7. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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Date: 2026.10.13 20:13:02 +0530