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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3842 OF 2026

Mohammad Wasim Samshulhaq Chaudhari .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Tanveer Aziz Patel, Advocate for Applicant.
- Ms. Sangeeta E. Phad, APP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026

P.C.:

1. Heard Mr. Patel, learned Advocate for Applicant and Ms. Phad, 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.384 of 2025 registered with Taloja Police Station for offences punishable under Sections 8(c), 17(b), 21(a), 21(b), 21(c), 22(a) 22(b), 27(a) and 29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**').

3. This is a case of indictment of 37 accused persons out of which 13 are absconding. Applicant in the present case has been indicted and arrested with possession of 7.28 grams of the alleged contraband substance MD which is of intermediate quantity having been recovered from him.

4. The prosecution's case is that Applicant is involved in the drug trade which according to the prosecution is supported by WhatsApp chats and other material recovered from his mobile phone. Applicant is arrested and is in incarcerated for the past 7 months.

5. Learned Advocate for the Applicant has vehemently argued non-compliance of the provisions of Section 52 of the NDPS Act. Though Applicant has no antecedents *qua* NDPS Act, there are other 14 antecedents of theft against him. However, all these antecedents are very old and of the year 2006 and 2007, save and except 3 of them.

6. The case of the prosecution is that the truck drivers who come from Punjab and halt their vehicles on the highway where they take rest, are the ones who indulge in sale of drugs to the Applicant who ends up buying and trading. The complicity of Applicant would be otherwise be proved in trial. Considering the limited role of Applicant, I am inclined to accept the case of Appliances for grant of bail.

7. 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 – Mohammad Wasim Samshulhaq Chaudhari is directed to be immediately released from prison in connection with CR. No.384 of 2025;

(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.

8. 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.

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

[MILIND N. JADHAV, J.]

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