

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.668 OF 2024**

Sajid Jahid Shaikh
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Kamlesh Satre a/w Nilesh Bangar, *for the Applicant.*
Mr. Mayur S. Sonavane, *APP for the Respondent - State.*
API – Sanjay Khandagale, ANC, Kandivali Unit, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 07TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 169 of 2022 dated 21st September, 2022 registered with the DCB-CID, ANC, Kandivali Unit, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS').

2. There are in all three accused involved in the present crime. The Applicant is Accused No.1. Accused Nos.2 and 3 have already been enlarged on bail.

3. The brief facts of the case are that on 20th September, 2022 at about 18:10 hours, when the police officials were on patrolling duty, they saw three persons lurking in suspicious circumstances behind Phoenix Mall, Near Narayan Nagar Slum, L.B.S. Marg, Ghatkopar (W), Mumbai. The police intercepted the three persons and after following due procedure prescribed under the NDPS Act, took a search of all the three persons. Upon search, 75 grams of Mephedrone (MD) was recovered from the possession of the present Applicant and non-commercial quantity of 10 grams each, was recovered from the two co-accused. The Applicant and the co-accused were arrested on 21st September, 2022, pursuant to the registration of the FIR.

4. The Applicant made two successive applications seeking bail before the Special Judge (NDPS), City Civil &

Sessions Court, Greater Bombay, however, the said applications were rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

5. Mr. Satre, learned counsel for the Applicant, submits that the Applicant is innocent and has been falsely implicated in the present case. He submits that the prosecution story is unbelievable as there is a discrepancy in the contraband recovered from the Applicant and that which was produced before the Magistrate. The weight of the contraband mentioned in the FIR is not accurate and the provisions of the NDPS Act were not followed. He further submits that the Applicant is in custody since 21st September, 2022 and has undergone three years of imprisonment thus, it is unlikely that the trial will conclude in the near foreseeable future. Thus, he prays that the Applicant be enlarged on bail.

6. Mr. Sonavane, learned APP representing the State, contests the Bail Application. He submits that the 75 grams of MD was directly recovered from the present Applicant and it

cannot be said that the Applicant is innocent. He has pointed to the various compliances made by the officials of the ANC and there is no contravention of any provisions of the NDPS Act. He also stresses that the contraband found in the possession of the Applicant is the same contraband which was placed before the Magistrate at the time of taking samples. He submits that the Panchas and the Applicant himself had put the signatures on the seized packet. He further submits that the CA report, which was received from the FSL, also tested positive for Mephedrone. Hence, he prays that the Application be rejected.

7. I have heard learned counsel for the parties and perused the record of the case with their assistance.

8. A perusal of the documents reveals that the compliances under the NDPS Act are made by the ANC and *prima facie* it does not appear that there is any discrepancy in the packets in which the MD was sealed and that which was placed before the Magistrate under Section 52A of the NDPS

Act. The Applicant is 24 years of age and there are no criminal antecedents against him. Admittedly, the Applicant is in custody since 21st September, 2022, and till date charges have not been framed. It is unlikely that the trial will conclude in the near foreseeable future.

9. In these circumstances, considering the long incarceration of the Applicant without the trial on the horizon, the conditional liberty will override the statutory embargo under Section 37 of the NDPS Act. Also admittedly, there are no criminal antecedents against the present Applicant, hence, 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.

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

11. 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)