

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 4223 OF 2024**

Ashraf Lalmohammad Ansari ...Applicant

Versus

State Of Maharashtra ...Respondent

**Mr. Sherali S. Khan** *with Tabish Shaikh and Veeraj Naik, for the Applicant.*

**Mr. Mayur Sonavane**, *APP for the State-Respondent.*

**API – Vaibhav Chumbale**, *Kongaon Police Station, is present.*

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**CORAM DR. NEELA GOKHALE, J.**

**DATED: 4<sup>th</sup> FEBRUARY 2026**

**PC:-**

**1.** The Applicant seeks his release on bail in connection with C.R. No. 345 of 2023 dated 4<sup>th</sup> November 2023 registered with Kongaon Police Station for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS Act”).

**2.** There are two accused involved in the said case. Accused No.2 is on bail and the Applicant is Accused No.1. While on patrolling duty, the police officials of the Kongaon Police Station found the Applicant lurking in suspicious

circumstances. He was apprehended and after following the due procedure established under the NDPS Act, was searched. On his search, 102 grams of Mephedrone was recovered from the right-side pocket of the Applicant's pant. The Applicant was arrested on 4<sup>th</sup> November 2023 pursuant to the registration of the FIR.

**3.** The Applicant made an application seeking bail before the Additional Sessions Judge, Bhiwandi. However, by order dated 26<sup>th</sup> July 2024, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

**4.** Mr. Sherali Khan, learned counsel for the Applicant, has brought to my notice various non-compliances on the part of the officers. According to him, there is a breach of Sections 42, 50, 52A, 55 and 57 of the NDPS Act. He submits that the seizure panchanama does not contain the signature of the Accused. He further submits that the Applicant is in custody for as many as two years and five months and till date, the charges are not yet framed. In these circumstances, he submits

that there is a delayed and long period of incarceration for reasons not attributed to the Applicant.

**5.** Mr. Mayur Sonavane, learned APP, has met with all the arguments raised by Mr. Sherali Khan pertaining to the non-compliance of the provisions of the NDPS Act. *Prima facie*, it appears that all the compliances have been satisfactorily complied with. However, only on the ground of long incarceration that the trial has not commenced, the charges are not framed and the Applicant is in custody for as many as two years and five months, the Applicant deserves to be granted bail.

**6.** Considering the long period of incarceration and the fact that there are no antecedents against the present Applicant, I am inclined to enlarge the Applicant on bail and it 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also 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.

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

**8.** 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)