

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 5093 OF 2024

Asif Mohd. Yunus Ansari
V/s.

.... Applicant

The State of Maharashtra

.... Respondent

Ms. Sumaiya Khan i/b. Ms. Munira Palanpurwala for the Applicant.

Ms. M.H. Mhatre, APP for the Respondent – State.

Mr. Gusinge and Mr. Ghadage, PSIs, Meghwadi Police Station, present.

CORAM : SHYAM C. CHANDAK, J.

DATE : 30th JANUARY, 2026

P.C. :-

1) The Applicant seeks his release on bail in NDPS Special Case No.330/2024 arising out of C.R.No.301/2023 registered with Meghwadi Police Station, Mumbai for offences punishable under Sections 8(c) r/w. Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2) Heard Ms. Khan, the learned Advocate for the Applicant and Ms. Mhatre, the learned APP for the Respondent – State.

3) The prosecution case is that, on 25/08/2023, at about 22:00 hours, when the informant-Vijay Patil and other Police were present at the Police Station, the informant had received a secret information from his informer that the Applicant had been illegally dealing in a narcotic substance namely 'Mephedrone' and, on 26/08/2023, between 00:30 hours to 02:00 hours, the Applicant will come near Pimpleshwar Temple, Jogeshwari, to sell the contraband. Therefore, the raiding team was formed and trap was arranged at the said spot. At about 01.20 hours, the Applicant

arrived at the said place. He was apprehended by the police. After completing the procedural requirements in law, personal search of the Applicant was conducted in the presence of two panchas. A transparent plastic packet containing 60 grams Mephedrone was found on the person of the accused. It was seized by the police. Necessary Panchanama of that action was recorded. Thereafter, the informant filed the report pursuant to which the present crime registered and the Applicant was arrested. On completion of investigation, charge-sheet was filed against the present Applicant and the co-accused from whom he had allegedly procured the contraband.

4) Ms Khan, the learned Advocate for the Applicant submitted that, although pre-raid and post-raid panchanamas specifically mention the names of the panchas, their names are missing in the report. She submitted that one of the panchas related to the seizure of the contraband from the Applicant and his co-accused, is common. This cannot be a co-incident. These circumstances create doubt about the seizure of the contraband. The contraband was 60 grams when weighed by the police. But the same contraband alongwith the packed weighed 60 grams at the time of the inventory. As such, it is probable that reducing the weight of the packet, the contraband may be less and, it could be an intermediate quantity, not commercial quantity. She submitted that, the Applicant is behind bars for more than 2 years. Yet, the charge is not framed. As such, the trial may take more than a year's time or so. Hence, the Applicant may

be released on bail. To support these submissions, the learned counsel has relied on following decisions.

1.	Mohd. Mobin Jahurul Hasan Manihar v/s. State of Maharashtra	Bail Application No.713 of 2024
2.	Abuzar Shakeel Khan v/s. State of Maharashtra	SLP(Crl.) No(s). 7284/2025
3.	Rushikesh Shashikant Hadwale v/s. State of Maharashtra	Bail Application No.812/2024
4.	Shaikh Hanif Shaikh v/s. The State of Maharashtra	Bail Application No.2221/2025
5.	Gani Latif Shaikh v/s. The State of Maharashtra	Bail Application No.1729/2020

5) Ms Mhatre, the learned APP submitted that, there is evidence against the Applicant indicating his involvement in the crime. She submitted that, as instructed by the police concerned, earlier, similar offence was registered against the Applicant. Therefore, and having regard to the commercial quantity of the contraband seized from the Applicant, he does not deserve bail.

6) I have considered these submissions. Record indicates that the Applicant is resident of Shivari which is far from Jogeshwari Police Station. However, the secret information was received by the informant at Jogeshwari police station. There is no mention about the names of the panchas in the FIR. The recovery of the contraband from the co-accused was effected almost after two and half months of the arrest of the Applicant. However, coincidentally, Mr Imran, the panch witness to the pre-raid and post-raid panchnamas is also the panch witness to the recovery of the contraband at the instance of the co-accused. This fact

weighs in favour of the Applicant.

In *Abuzar Shakeel Khan* (supra), the weight of the recovered contraband was 60 grams. Therefore, it was observed that, if the weight of the packet was calculated, the contraband would be intermediate quantity. Therefore, and taking into consideration that the Applicant had no criminal antecedents and that he was in jail for one year and nine months, bail was granted by the Apex Court. In case of *Rushikesh* (supra), the names of the panchas to the seizure of the contraband were not mentioned in the FIR filed subsequently nor statement of said panchas were recorded. This factor was considered amongst the others for grant of the bail.

7) In case of *Shaikh Hanif Shaikh* (supra), the Applicant was found in possession of 100 grams of Mephedrone. He was incarcerated for two years. There were no antecedents against the Applicant. Therefore, this Court released him on bail. Facing similar situation, bail was granted in case of *Mohd. Mobin Jahurul Hasan Manihar* (supra), who was found in possession of 220 grams of Mephedrone.

8) In the case in hand, the Applicant is behind bars for 2 and 1/2 years. His trial will take some time. Ms Khan submitted that, the Applicant is on bail in the earlier crime. The offence is alleged to have been committed in conspiracy with A-2. But A-2 is granted bail. Therefore and looking at the facts and circumstances of the case, the Applicant is entitled to be released on bail during pendency of the trial. Thus, I am inclined to allow the Application and pass following Order :-

- (a) The Applicant - Asif Mohd. Yunus Ansari shall be released on bail in connection with C.R.No.301/2023 registered with Meghwadi Police Station, Mumbai on his furnishing P.R. bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (b) The Applicant shall attend before the trial Court on each and every date unless exempted by trial Court, for reasons to be recorded in writing.
- (c) The Applicant shall attend Meghwadi Police Station, Mumbai on 1st and 16th day of each calendar month between 10:00 a.m. to 02:00 p.m. till conclusion of the trial.
- (d) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.
- (e) Before his release from jail, the Applicant shall provide his contact number and detailed residential address to the trial Court and the police, as to where he would stay till the trial in the said case is over.
- (f) In addition, the Applicant shall provide contact number of one of his close relative who can be contacted if he fails to abide by these conditions.
- (g) The Applicant shall not change his residential address without permission of the trial Court concerned.
- (h) If the Applicant disobeyed any of the above conditions, the bail granted herein shall stand cancelled without further reference to this Court or the trial Court.
- 9) With above observations, Bail Application is disposed of.

10) It is made clear that, the observations made in this Application are *prima facie* in nature and shall not be construed as an expression of opinion on merits. The trial Court to decide the said Special case on its own merits.

(SHYAM C. CHANDAK, J.)

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