

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

BAIL APPLICATION NO.789 OF 2025

Firoz Alif Khan @ Disha	 Applicant
Vs.	
State of Maharashtra	 Respondent

Mr. Mithilesh Mishra with Namasvi Bhanushali with Rushan Balsara i/b
Mr. S. R. Bhandary for the Applicant.
Ms. S. K. Gajare, APP for the Respondent-State.
Mr. Vaibhav Khade, PSI, D. N. Nagar police station present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 11th JUNE, 2026

P.C. :-

- 1) Present Application seeks release of the Applicant on bail in connection with C. R. No.594 of 2024 registered with D. N. Nagar police station for the offence under Sections 8(c) and 22(c) of the NDPS Act. The learned APP tendered a report received from the D.N. Nagar police station to oppose the Application.
- 2) Heard Mr.Mishra, the learned Counsel for the Applicant and Ms.Gajare, learned APP for the Respondent-State.
- 3) The prosecution case is that on 19th June 2024, at about 02.25 hours, when the local police were patrolling, they spotted the Applicant in a lane behind Usmania diary, near Gaondevi, Dongri. The conduct of the Applicant appeared suspicious, therefore, the said police took the Applicant into custody and in presence of two panchas, conducted his personal search. A plastic packet containing 54 gms Mephedrone was found on the person of the Applicant. Said contraband was seized following the provisions under

the NDPS Act. After recording spot panchnama, the informant Prasad Vare, police constable filed a report, based on which the aforesaid crime came to be registered. The Applicant was arrested on the same day. On completion of the investigation, charge-sheet came to be filed. The Bail Application filed by the Applicant came to be rejected by the trial Court.

4) Mr.Mishra, the learned Counsel for the Applicant submitted that although the prosecution alleges that the seized contraband was 54 gms, it includes the weight of the plastic packet in which it was allegedly kept. If the weight of the plastic packet is reduced, the alleged contraband will be less than 50 gms. As such, there is no *prima facie* case against the Applicant of having possessed a commercial quantity of Mephedrone. The Applicant is behind bars for last two years. However, no charge has been framed till date. During the period of said incarceration, frequently, the Applicant was in-patient at J. J. Hospital for heart related ailment. He submits that out of the 17 antecedents against the Applicant, only one case was registered under the NDPS Act and the other offences are under the Indian Penal Code. In seven case, the Applicant has been acquitted. Therefore, the Applicant may be released on bail.

5) Ms. Gajare, the learned APP on the other hand, opposed the Application. She has submitted that a commercial quantity of Mephedrone has been seized from the possession of the Applicant. As such, the offence is serious. The Applicant has not satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. Therefore, and considering the antecedents of the Applicant, the Applicant is not entitled for bail.

6) I have considered the submissions. The seizure panchnama mentions that the Mephedrone was 54 gms. However, it is not discernible from the seizure panchnama and the Inventory recorded by the learned Magistrate as

to whether the contraband was weighed separately after removing it from plastic packet in which it was kept. The size of the plastic packet is also not mentioned in the seizure panchnama nor in Inventory. Therefore, I find substance in the submissions by Mr. Mishra that the seized contraband may not be a commercial quantity.

7) No doubt, the Applicant has antecedent of having committed one offence under the NDPS Act, but in that offence he is released on bail. Out of the remaining cases, in seven cases he has been acquitted. The Applicant is a senior citizen and according to the learned Counsel for the Applicant, he was frequently treated at J.J. Hospital for the heart related ailment. The Applicant is behind bars for last two years and his detention in jail is not required for any purpose. The trial arising out of the said crime will take considerable time.

9) In the wake of above, the Applicant is entitled for bail. Hence, the following Order is passed :-

- (i) The Applicant-Firoz Alif Khan @ Disha shall be released on bail in connection with FIR No.594 of 2024 registered with D. N. Nagar police station, Mumbai under Sections 8(c) and 22(c) of the NDPS Act, on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall mark his attendance at D. N. Nagar police station on the 1st day of each calendar month between 12.00 noon to 4.00 pm, till the conclusion of the trial.
- (iii) The Applicant shall regularly attend before the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.
- (iv) The Applicant shall not tamper with the prosecution evidence

and shall not directly or indirectly influence upon the prosecution witness to prevent them from deposing against him.

- (v) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigation Officer and shall keep him updated, in case there is any change.
 - (vi) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.
- 10) Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)