

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1195 OF 2025**

Shamshullah Obaidullah Khan	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Zoheb Shaikh *a/w Aamir Malik, for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
PI – Santosh Salunkhe, *ANC Worli, Crime Branch, Mumbai, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 16th FEBRUARY 2026

PC:-

- 1.** The Applicant seeks his release on bail in connection with FIR No.25 of 2022 dated 29th March 2022 registered with the Anti Narcotic Cell (ANC), Worli Unit, Mumbai for the offences punishable under Sections 8(c), 22(c), 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 ('NDPS Act' for short).

- 2.** There are in all twelve accused. The present Applicant is Accused No.1.

3. The facts of the prosecution case, in brief, are that initially an FIR No.25 of 2022 was registered by the ANC, Worli Unit, Crime Branch, Mumbai on 29th March 2022 for the offences alleged as above. There are in all 12 accused persons. In the course of the investigation, it was revealed that the Accused No.7, one, Mr. Ramendrakumar Dixit was primarily responsible for manufacturing the contraband in a factory of a firm called Infinity Research and Development. The firm was owned by co-accused Chintan and was located at Ankleshwar, Gujarat. Chintan was the licensee of the said firm, the same being issued in his name by the Directorate of Industrial Safety and Health of the State of Gujarat. The license was valid for the period from 1st June 2021 up to 31st December 2025.

4. The police, in fact, apprehended the present Applicant first and recovered 250 grams of Mephedrone ('MD'), which is a commercial quantity. On interrogation, he disclosed the name of Accused No.2, Ayub. From Accused No.2, in turn, the

Investigating Agency received information regarding the factory where the MD was being manufactured. The said factory is alleged to be on the premises of one Chintan Panseriya. Thus, the present Applicant and co-accused were also arrested from time to time and a large quantity of contraband goods was seized from them.

5. From the charge-sheet, it appears that 2 Kgs 760 grams of MD was recovered from the Accused No.2. Accused No.3 is alleged to have purchased contraband from Accused No.4 and sell it to Accused No.2. In turn, the Accused No.4 used to purchase contraband from Accused No.5 and sell it to Accused Nos.2 and 3. Accused No.5 with the help of Accused Nos.6 and 8 manufactured the MD in a factory owned by the Accused No.8. It is alleged that all accused are interlinked with each other and a total of 2428 Kgs of MD was recovered from all the accused, value of which is determined to be approximately Rs. 4,857 crores.

6. Heard Mr. Zoheb Shaikh, learned advocate appearing for the Applicant and Ms. Megha Bajoria, learned APP representing the State.

7. At the very outset, Mr. Shaikh tendered an order dated 28th January, 2026 passed by the Supreme Court in the matter of *Chintan Panseriya v. State of Maharashtra*¹. He submitted that while this Court had rejected the bail application of the co-accused Chintan Panseriya by order dated 13th November, 2025, on merits, the Supreme Court in an SLP, assailing the judgment of this Court, has enlarged said Chintan Panseriya on bail on the basis of long incarceration suffered by him and a delayed trial. The said order is taken on record.

8. Ms. Bajoria submitted that there is no distinction between the role of the present Applicant and other accused. She also submitted that there is no antecedent pertaining to the present Applicant.

1 SLP (Crl.) No. 439 of 2026.

9. I have perused the order passed by the Supreme Court in the case of ***Chintan*** (*supra*). The relevant paragraphs read thus:

“4. It appears that on 16-1-2026, charge came to be framed. The matter is now kept on 30-1-2026 for the purpose of compliance with the provision of Section 294 of the Code of Criminal Procedure, 1973.

5. We do not undermine the seriousness of the alleged crime. We are mindful of the fact that the prosecution is for the offence punishable under Narcotic Drugs and Psychotropic Substances, Act, 1985. At the same time, we should not overlook the fact that the 3 petitioner is in judicial custody as an under-trial prisoner past 3 years and 6 months and prosecution intends to examine as many as 159 witnesses. Examination of 159 witnesses or even 50% of the same is going to take a pretty long time. At times, we wonder why prosecution wants to examine so many witnesses and thereby prolong the trial and delay the same. We have observed in number of orders that the prosecution should examine important witnesses and try to establish its case. There is no point in multiplying the witnesses on one and the same issue.

6. Be that as it may, since the Special Public Prosecutor could be said to be In-charge of the trial, we have to leave it to his better discretion.

7. The learned counsel appearing for the petitioner has manifold contentions to raise in so far as the merits of the case is concerned. However, we do not want to go into the merits of these contentions at this point of time.

8. The learned counsel appearing for the petitioner brought to our notice that there are cases almost 10 years old pending in the Trial Court as on date.

9. In the overall view of the matter, we have been persuaded to exercise our discretion in favour of the petitioner.”

10. Thus, a plain reading of the order passed by the Supreme Court indicates that the Court was persuaded to exercise its jurisdiction in favour of co-accused Chintan Panseriya considering the period of his incarceration and the time that will be taken to conclude the trial. There is also no antecedent pertaining to the present Applicant.

11. Considering the order in the case of *Chintan* (*supra*) passed by the Apex Court, I am inclined to enlarge the Applicant on bail. Accordingly, it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/- 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. 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) The Applicant shall not leave the State of Maharashtra till the conclusion of the trial;
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not leave India, without 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 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;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

13. 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)