

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1420 OF 2025

Shoaib Mohammad Sayyed	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Taraq Sayed, with Anish Pereira and Aryan Kotwal, for the Applicant.

Mr. A. S. Gawai, APP for the Respondent-State.

Mr. D. B. Ovhal, API attached to ANC, Navi Mumbai, present.

CORAM: R. M. JOSHI, J.
DATED: 27th MARCH, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 0112 of 2024 dated 22nd May 2024 registered with C B D Belapur Police Station, Navi Mumbai for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. It is the case of the prosecution that on 21st May 2024 at about 9.40 p.m., the Applicant was apprehended at Navi Mumbai and from his possession 70 grams of Mephedrone ('MD') came to be recovered. The panchanama was prepared. Now, admittedly the charge-sheet is filed against the Applicant.

3. Learned counsel for the Applicant submits that the evidence collected during the course of the investigation creates doubt about the story of the prosecution with regard to the presence of the Applicant at about 9.40 p.m. on 21st May 2024 at Navi Mumbai, i.e., the place where the Applicant was accosted. To support his submission, he places reliance on the CDR from the charge-sheet, which indicates that at 11.50 p.m., the Applicant was at Kurla and Ghatkopar. It is his submission that since this evidence is brought on record by the prosecution, a doubt is created as to whether the Applicant was apprehended at the spot as claimed by the prosecution and any recovery of contraband was made from him.

4. The learned APP opposes the Application by contending that since the Applicant made statement about bringing the contraband from one Aftab from Ghatkopar, he was taken to Ghatkopar and therefore, his mobile location is seen at Ghatkopar. A specific query is made as to whether there is any record to indicate so. The learned APP on going through the record, is unable to point out any such recording being made in the charge-sheet.

5. It is the case of the prosecution that at about 9.40 p.m. on 21st May 2024, the Applicant was found in possession of contraband, namely, 'MD' at Navi Mumbai. As recorded in the charge-sheet, the mobile phone of the Applicant was seized and kept in a working condition. In the light of this fact, the CDR is collected by the prosecution indicating location of the mobile phone. Though, it is sought to be claimed that the Applicant was taken for further investigation to Ghatkopar pursuant to a statement made by him, there is absolutely no evidence to indicate so. Needless to say, that in absence of any such evidence, the

prosecution may not be in a position to explain the said circumstance during the trial. As such, this Court finds substance in the contention of the learned counsel for the Applicant that a doubt is created on the face of it as to whether the Applicant was present at the spot of the incident, at the time of preparation of the panchanama of seizure of the contraband from him.

6. Thus, this Court has reason to believe that Applicant may have not committed the offence. In absence of antecedents, there is further no reason to believe that on being enlarged on bail, he would commit similar crimes. Hence, embargo of Section 37 of the Act, does not apply to the instance case.

7. Consequently, the Application deserves to be allowed. Hence, the following order:-

ORDER

(i) The Bail Application stands allowed in connection with Crime No. 0112 of 2024 dated 22nd May 2024 registered with C B D Belapur Police Station, Navi Mumbai;

(ii) The Applicant be released on bail on furnishing P. R. Bond in the sum of Rs.30,000/- with one or two local sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant to attend the Narcotics Control Bureau, Belapur, Navi Mumbai, once in a month till framing of the charge;

(iv) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

7. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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