

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1647 OF 2025**

Saddam Najir Ahmed Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Kamlesh M. Satre i/by Nilesh S Bangar, *for the Applicant.*
Mr. Mayur S. Sonavane, *APP for the Respondent - State.*
Head Constable – Pawar, Pairavi Officer, ANC Worli Unit,
Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 28TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 16 of 2024 dated 22nd March, 2024 registered with the ANC, Worli Unit, for the offences punishable under Sections 8(c) read with Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS').

2. The case of the prosecution, in brief, is that while the officials of the ANC, Worli Unit were on patrolling duty, they apprehended the Applicant and 65 grams of Mephedrone was recovered from his possession. Thus, the FIR was registered and the Applicant came to be arrested on 22nd March, 2024.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), City Civil & Sessions Court, Greater Bombay, however, by order dated 27th March, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Satre, learned counsel for the Applicant, submits that the Applicant is falsely implicated in the alleged offence and he is innocent. He further submits that the Applicant is in custody since 22nd March, 2024 and trial is likely to take some time to conclude. He further submits that there is non-compliance of Section 50 of the NDPS Act. The notice issued under Section 50 is defective. He further submits that the

Applicant does not have any criminal antecedents. Therefore, he prays that the Applicant be enlarged on bail.

5. Per contra, Mr. Sonavane, learned APP representing the State, has tendered details of antecedents against the present Applicant. There are four criminal antecedents against the Applicant. Three out of four relate to the offence under the NDPS Act and one case pertains to offence under Section 353 of the IPC. He further submits that the Applicant was externed by order dated 5th December, 2023 passed under the Maharashtra Police Act and the present offence is committed by him while he was under externment. Thus, he submits that the Applicant has violated the externment order. Thus, he prays that the Bail Application be rejected.

6. I have considered submission of both the sides and perused the record of the case with their assistance.

7. Admittedly, a commercial quantity of Mephedrone was recovered from the Applicant. I have also seen Section 50

notice dated 21st March, 2024 given to the Applicant. There is no defect in the notice. Admittedly, there are four antecedents against the present Applicant, out of which three are cases pertaining to offences under the NDPS Act. Moreover, he has committed the offence as alleged, by violating his externment order and during the subsistence of the said order. Considering the facts, *prima facie*, there is no reason to believe that the Applicant has not committed the alleged offence or that he is unlikely to repeat the same, I am not inclined to enlarge the Applicant on bail.

8. Hence, the Bail Application is rejected.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)