

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1883 OF 2025**

Aqeel Ahamd @ Akeel Ahamd S/o Shakeel Ahmd **...Applicant**

Versus

Union of India and Anr. **...Respondents**

Mr. Sherali S. Khan a/w Tabish Shaikh and Veeraj Naik, *for the Applicant.*

Ms. Neha M. Patil, *APP for the Respondent – NCB.*

Mr. Mayur S. Sonavane, *APP for the Respondent – State.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 05TH FEBRUARY 2026**

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 22 of 2023 dated 6th September, 2023 registered with the Narcotics Control Bureau ('NCB'), for the offences punishable under Sections 8(c), 22(c), 23(c), 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS').

2. In all, there are three accused. The Applicant is Accused No.2.

3. The case of the prosecution, in brief, is that specific intelligence was received by the NCB, Mumbai, that two suspicious courier parcels containing Alprazolam tablets 1 Mgs Rlam -1 were lying at Integrated Courier and Logistics Unit No.5, Arvind Chambers, Sai Services Buiding, Near Darpan Cinema Bus Stop, Western Express Highway, Andheri (E), Mumbai. After complying with the mandatory provisions of the NDPS Act, a search was conducted and the contraband was detected in Brooke Bond Taj Mahal Tea packets. The police officials were permitted by the competent authority for a controlled delivery for the intercepted consignment and accordingly, dummy parcels were prepared and dispatched. Investigation revealed that the parcels were booked using fake credentials, SIM cards activated under fake identities at Lucknow. The phone number on one of the consignments was found to be that of Samar Sonkar. From the statement made

by Samar Sonkar, the involvement of the present Applicant and one Sonu Prajapati was revealed. Accordingly, the Applicant was arrested on 9th November, 2023 pursuant to registration of the FIR.

4. The Applicant made an application seeking bail before that Special Judge NDPS, City Civil and Sessions Court, Greater Bombay, however, by order dated 25th March, 2025, the said application was rejected. Hence, the Applicant has made the present Bail Application for the relief as prayed.

5. Mr. Khan, learned counsel for the Applicant, submits that the Applicant is neither the consignor nor the consignee of the said parcels. The case of the prosecution is based only on the confessional statement made by the co-accused. The prosecution failed to establish that the Applicant was in conscious possession of the contraband. There is nothing on record to establish nexus of the transaction with the seized contraband. On these grounds, he prays that the Applicant be enlarged on bail.

6. Ms. Neha Patil, learned SPP representing the State, has tendered on record the Affidavit-in-Reply of one Satish Singh, presently working as Sub-inspector, Narcotics Control Bureau, Mumbai Zonal Unit, Mumbai affirmed on 8th December, 2025, before the Notary Public. The same is taken on record. Ms. Patil submits that the co-accused Samar Sonkar has specifically given statement implicating the present Applicant in the alleged offence. The present Applicant admitted to having supplied the contraband to Samar Sonkar and destroying his mobile phone after Samar's arrest. She has also taken me through the bank statement of Samar Sonkar. The said bank statement indicates a money trail reflecting transactions from Samar Sonkar to the present Applicant. She submits that in view of the aforesaid, the Applicant is involved in the alleged offence and prays that Bail Application be rejected.

7. I have heard learned counsel for the respective parties and perused the record of the case with their

assistance. I have gone through the Affidavit-in-Reply placed on record. I have also gone through the bank account statement of Samar Sonkar.

8. Undoubtedly, there is a cash trail and transaction between Samar Sonkar and the present Applicant and huge amounts have been transferred from Samar's account to the account of the present Applicant. However, said transactions are of the year 2022 and the alleged contraband parcels are received in the year 2023. The other evidence available on record are the statements of the co-accused and the incriminating statement of the Applicant himself, which cannot be considered at this stage. Only on the basis of the bank transactions of the year 2022, I am unable to record a finding that *prima facie* the Applicant has committed the alleged offence. Admittedly, there are no antecedents against the present Applicant. The Applicant is in custody since 9th November, 2023 and has suffered incarceration for past three years and three months without the charges being framed. In

these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly 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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the 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 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 Police Station concerned;

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

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

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

10. 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)