

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2223 OF 2025

Hanif Aass Mohammad Shaikh ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Kamlesh Satre, for the Applicant.

Ms. Megha S. Bajoria, APP for the State-Respondent.

PSI – Pradeep Shinde, (Pairavi) RCF Police Station, is present.

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

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 36 of 2023 dated 9th January 2023 registered with the RCF Police Station for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. There are in all three accused. The allegation against the Applicant is that he, along with the co-accused, was sitting in a car and on search, 275 tablets of Nitravet-10 (button) and 585 tablets of Alpratan-1 (button) were recovered from him.

Accordingly, the Applicant and the co-accused were arrested, pursuant to the FIR registered against them.

3. At the very outset, Mr. Kamlesh Satre, learned counsel for the Applicant, has brought to my notice the fact that Accused No.1, Rehan @ Nana Ashrfali Khan, has been granted bail by order of the Supreme Court dated 5th January 2026 on the ground of long incarceration. Mr. Satre has tendered the said order on record. He further submits that the role attributed to Accused No.1 is similar to that attributed to the present Applicant.

4. At this stage, Ms. Megha Bajoria, learned APP, submits that in addition to the recovery of 275 tablets of Nitrovet-10 (button) and 585 tablets of Alpratan-1 (button) from the present Applicant, another recovery was made at his behest, namely, 105 bottles of codeine, as reflected in the panchanama dated 11th January 2023. She thus, submits that the role attributed to Accused No.1 is distinct from the role attributable to the present Applicant.

5. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

6. Although there is an additional recovery at the behest of the present Applicant, the order dated 5th January 2026 passed by the Supreme Court grants bail to the co-accused on the ground of long incarceration as well as on the fact that there are no antecedents against the co-accused. The present Applicant was also arrested on 9th January 2023 and has suffered incarceration of around three years without conclusion of the trial. Ms. Bajoria, at this stage, submits that the charges are framed by the Trial Court. However, the evidence has not yet commenced.

7. Considering the order dated 5th January 2026 passed by the Supreme Court enlarging the co-accused, Rehan @ Nana Ashrfali Khan, on bail and by and large the role attributable to both the accused appears to be identical, I am inclined to enlarge the present 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 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) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) 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;

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

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

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

9. 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)