

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2592 OF 2025

Javed Ayub Khan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Kamlesh Mahadev Satre , *for the Applicant.*

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

Ms. Seema Shinde, *PSI attached to Sakinaka Police Station,
present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 9th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks enlargement on bail in connection with FIR No. 0787 of 2023 dated 8th August 2023 registered with Sakinaka Police Station, Brihanmumbai City, for the offences punishable under Sections 8(c), 22(c), 29 and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, reveals that while the police officials were on patrolling duty, they apprehended Accused No.1 on suspicion. Upon search, 10 grams of Mephedrone (“MD”) was found in his conscious possession. On enquiry regarding the source of the contraband, Accused No.1 disclosed the name of the present Applicant (Accused No.4) and Accused No.3. On the same day, the present Applicant and Accused No.3 were apprehended. From the possession of the present Applicant, 60 grams of MD was recovered, whereas 10 grams of MD and some cash were recovered from the possession of Accused No.3. The present Applicant was arrested on 8th August 2023.

3. The Applicant filed an application seeking bail before the N.D.P.S. Special Judge, City Civil & Sessions Court, Greater Bombay, However, by order dated 22nd May 2025, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Kamlesh Satre, learned counsel for the Applicant, submits that as per the prosecution case, only 60 grams of MD was recovered from the present Applicant and that the Applicant has no criminal antecedents. He further submits that the Applicant has been incarcerated since 8th August 2023 and has undergone custody for about two and a half years, without the charges being framed till date. On account of such prolonged incarceration, the Applicant deserves to be enlarged on bail.

5. *Per contra*, Ms. Megha Bajoria, learned APP appearing for the State, submits that the present case pertains to a drug racket involving about 20 accused persons. She submits that Section 27(a) of the NDPS Act has also been invoked and that 60 grams of MD, which is a commercial quantity, has been recovered from the present Applicant. She, however, fairly concedes that there are no antecedents against the present Applicant. She, therefore, prays that the bail application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the Applicant has been arrested in August 2023 and till date, charges have not been framed. It is also noted that Accused Nos. 1, 3, 4, 5, 6, 7, 8 and 17 have been granted bail by the NDPS Special Judge and Accused No.9 has been granted bail by this Court. Upon perusal of the orders granting bail to the Co-accused, it appears that the role attributed to the present Applicant is identical to that of the Co-accused, who have already been enlarged on bail. Additionally, the present Applicant has no criminal antecedents.

8. 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.50,000/- 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 on first Monday 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)

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