

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2735 OF 2025**

Faisal Mansur Khan	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Rounak Naik *a/w Lochan Chandka, for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the State-Respondent.*
PSI – M. R. Indrekar, *Bhiwandi Taluka Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 11th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 397 of 2021 dated 15th October 2021 registered with the Bhiwandi Taluka Police Station for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. There are in all five accused. Two accused are already enlarged on bail. The present Applicant is Accused No.2.

3. The case of the prosecution is that, while the officials of Bhiwandi Taluka Police Station were on patrolling duty near Gaurav Petrol Pump on the Mumbai-Nashik Highway, they found three persons near two parked cars, lurking suspiciously. The police tried to intercept them, but they ran away. The police, on investigation, found two cars abandoned near the spot, one Bolero and another Swift Dzire. 256 Kg of Ganja was recovered from the said two cars. One of the cars belongs to the present Applicant. Hence, the Applicant was arrested on 20th October 2021.

4. The Applicant made two successive bail applications seeking bail before the Additional Sessions Judge, Bhiwandi. However, by orders dated 29th February 2024 and 26th June 2025, the said applications were rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Rounak Naik, learned counsel for the Applicant, at the very outset, submits that the Applicant is in custody since 2021 and till date, the recording of evidence has not

commenced. He submits that the Applicant was arrested only because he is the owner of the vehicle. Most importantly, he submits that although the vehicle was intercepted on 15th October 2021 at 5:30 a.m., the panchanama commenced only at 4:30 p.m. and there is no explanation regarding the ten hours delay in conducting the panchanama. He further submits that there is no explanation as to how the cars were opened and the contraband was recovered. He thus submits that, on these two significant grounds, the Applicant deserves to be enlarged on bail.

6. *Per contra*, Ms. Poonam Bhosale, learned APP, submits that the Applicant is the owner of the car and hence, he is the main accused. She submits that a quantity of 256 Kg of Ganja was recovered from the car of the present Applicant. She points to the statement of the co-accused, wherein the co-accused narrated in detail as to how the Applicant had offered to pay him to ferry the Ganja from one place to another. She further submits that the quantity of Ganja recovered is of

commercial quantity; the offence is serious and the charges are already framed. Hence, she prays that the Bail Application be rejected.

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

8. The argument advanced by Mr. Naik that the panchanama commenced only in the afternoon at 4:30 p.m., whereas the vehicle was intercepted at 5:30 a.m. is significant. There is no explanation on record as to why there was such a great delay in recording the panchanama. The Applicant is in custody since October 2021 and till date, only the charges are framed. It is unlikely that the trial will conclude in the near foreseeable future. Even considering the delay in recording the panchanama and there being no explanation as to how the cars were opened, I am of the view that there is no reasonable ground to believe that the Applicant may not have committed the offence as alleged.

Admittedly, there are no antecedents against the present Applicant.

9. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also 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.

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

11. 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)