

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.3164 OF 2025

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date: 2026.04.21
18:35:29 +0530

Javed Sabbir Shaikh

...Applicant

V/s.

Union of India & Anr.

..Respondents

Mr.Shrikant S. Shirshat with Ms.Sapna D. Hajare and
Mr.Ravindra S. Lihinar for the Applicant.

Dr.Kshitija Wadatkar, APP with Ms.Gitanjali Ahire i/b Vidhi
Shah for Respondent No.1 – NCB.

Ms.S.K. Gajare for the Respondent – State.

CORAM : R.M. JOSHI, J.
DATE : 21ST APRIL, 2026.

P.C. :-

1. The Applicant seeks bail in connection with
F.No.NCB/MZU/CR-25/2022 registered with NCB, Mumbai
Zonal Unit for the offences punishable under Sections 8(c) read
with 20(b) (ii) (C), 28 and 29 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (NDPS Act).

2. Learned counsel for the Applicant seeks bail only on

the ground of parity. He drew attention of the Court to the order dated 30th January, 2026 passed by this Court in Bail Application No.2070 of 2025 whereby the co-accused has been granted bail. According to him, this order has not taken exception before the Hon'ble Supreme Court. He further drew attention of the Court to the order dated 2nd May, 2025 passed by the Hon'ble Supreme Court in Zaheer Gayasuddin Shaikh vs. Union of India in Special Leave to Appeal (Cri.) No.3177 of 2025, whereby accused No.1 was granted bail.

3. Learned APP opposes the application with submission that the Hon'ble Supreme Court has not granted bail to the co-accused on merit, but the bail was granted considering the fact that the co-accused is a single parent of two children and one of them is suffering from an ailment. It is submitted that since the Applicant is involved in the case of contraband of commercial quantity, he is not entitled for bail.

4. No doubt, Hon'ble Supreme Court has granted bail to the co-accused not only on merit but on the ground that the said accused is the single parent of two children and one of them is

suffering from an ailment. However, the bail granted to the co-accused – Imran is not not on that ground. There is no dispute about the fact that order of grant of bail dated 30th January, 2026 to the co-accused has not been taken exception to before the Hon'ble Supreme Court. This Court therefore, finds no justification to deny the parity more particularly in view of the fact that the Applicant has no criminal history. Hence the following order :-

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 Narcotic Control Bureau, Mumbai Zonal Unit once in a month on first Monday between 11:00 a.m. to 02:00 p.m.;
- 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 any residence and contact number immediately after being released and / 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

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

6. 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.

(R.M. JOSHI, J.)