

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3168 OF 2025**

Sohel Salim Shaikh ...Applicant
Versus
State Of Maharashtra ...Respondent

Ms. Ashwinii Achari *a/w Anish Pereira, Krishna Tarode i/b
Taraq Sayed, for the Applicant.*
Ms. Anuja S. Gotad, *APP for the State-Respondent.*
Mr. G. N. Pote, *Kalyan Crime Branch, Thane City, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 12th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 443 of 2024 dated 3rd May 2024 registered with the Hill Line Police Station for the offences punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. There are in all four accused. Accused No.4 is on bail and the present Applicant is Accused No.3. The prosecution case, in brief, is that on intelligence received by the police

officials, Rajeshkumar Premchand Tiwari, Accused No.1, was arrested from his shop. 3 kg and 4 grams of Mephedrone was found in his shop. On further investigation, Accused No.1 informed the police that he purchased the contraband from Accused No.2, namely Shailendra Ahirvar. Thus, the police arrested Shailendra Ahirvar as well. Shailendra Ahirvar then revealed the role of the present Applicant as being the person who had procured 150 grams of Mephedrone from the co-accused. Hence, the Applicant was also arrested on 10th May 2024.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Kalyan. However, by order dated 16th April 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Ms. Ashwinii Achari, learned counsel for the Applicant, submits that save and except the statement of Accused No.2, there is nothing on record to indicate the complicity of the

present Applicant. There was no recovery made at the instance of the present Applicant, nor was any recovery effected from his person or premises. She submits that the statement of the co-accused is inadmissible. The Applicant is in custody for one year and six months and the charges are not yet framed. Hence, she prays that the Applicant be released on bail.

5. Ms. Anuja Gotad, learned APP, submits that there are call records between Accused No.1 and the present Applicant. She has tendered on record the details of the CDR between the Applicant and Accused No.1. She submits that the present Applicant is also involved in the said offence. She further submits that there is another antecedent pertaining to the present Applicant. Ms. Achari interjects and states that the Applicant is involved in the CR, wherein he is already enlarged on bail, since only intermediate quantity of contraband was recovered from him in that case. Hence, Ms. Gotad prays that the Bail Application be rejected.

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

7. Admittedly, there is no material on record against the present Applicant save and except the CDR connecting the Applicant to Accused No.1 for a period during the year 2023. The present offence was revealed on 3rd May 2024. Hence, the CDRs are not of much help to the prosecution at this stage, during the hearing of the bail application. Admittedly, the only other material against the present Applicant is the statement of the co-accused, which is not admissible. In these circumstance, considering the antecedent of the present Applicant, wherein he was arrested for possession of intermediate quantity of contraband and is already on bail, the Applicant deserves to be released on bail.

8. In view of the above, 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.

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 Trial

Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)