

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3217 OF 2025

Mohd Wahabhulla Khan	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms.Ashwinii Acharii a/w Mr. Anish Pereira a/w Mr. Aryan K.
Kotwal, for the Applicant
Mrs. Veera Shinde, APP, for the Respondent - State.
PSI – Mahesh Anjanwad, Shivaji Nagar Police Station,
Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 6th MAY, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 78 of 2025 registered with Shivaji Nagar Police Station, Mumbai, 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. In short, it is a case of the prosecution that during patrolling, two accused persons were found on motorcycle in suspicious manner. They were apprehended. It was found that one nylon blue colour bag was kept in between them and a box was found in the said bag. The contraband Codeine Phosphate

was seized. In all 240 bottles of the contraband were seized. On conclusion of the investigation, chargesheet is filed.

3. Learned Counsel for the Applicant submits that even if the case of the prosecution is accepted to be correct, the present Applicant was riding the motorcycle, there is no material on record in order to indicate knowledge of the Applicant with regard to the content of the box which was kept in the blue colour nylon bag. In this regard he drew attention of this Court to the First Information Report wherein it is a case of the prosecution that during course of interrogation, it was revealed that accused No.1 had purchased the said contraband from one person at Chedda Nagar corner. As far as present Applicant is concerned, except for the fact that he brought the co-accused, there is no evidence to show his knowledge about the contents of the said box. To support her contention, she placed reliance on the order passed by this Court in Bail Application No. 1781 of 2022 dated 10th October, 2022.

4. Learned APP opposed the application by contending that commercial quantity of contraband is seized. According to her, C. A. Report supports the case of the prosecution. It is argued that there are statements of witnesses indicating both Applicant and co-accused have been brought the box containing contraband.

5. *Prima facie* perusal of record indicates that it is the case of the prosecution, as it revealed during the interrogation that

co-accused claimed to have purchased contraband from one person whose name is not disclosed by him from Chedda Nagar Corner. As far as the present Applicant is concerned, except for the fact that he was riding the said motorcycle, there is nothing on record to attribute the knowledge of the contents of the said box to the Applicant. It is not sufficient for the prosecution to show that the Applicant was alongwith the co-accused at the time of the recovery however there is to be evidence collected during the course of the investigation attributing his knowledge to the contents of the said box.

6. Applicant has no criminal history. Considering the aforestated facts through there is recovery of commercial quantity of contraband, to the present Applicant embargo of Section 37 may not attract. Hence order :-

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. No. 78 of 2025 registered with Shivaji Nagar Police Station, Mumbai, for the offences punishable under Sections 8(c), 22(c), and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- ii) Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.

7. The application is allowed in aforesaid terms and is accordingly disposed of.

8. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the trial.

(R. M. JOSHI, J.)

VDMokal/-