

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3278 OF 2025**

Rao Ali Rifakat Ali	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Kamlesh Mahadev Satre, *for the Applicant.*
Ms. Anuja S. Gotad, *APP for the Respondent - State.*
PI – R.V. Londhe, ATS Vikhroli Unit, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 27TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 83 of 2024 dated 19th December, 2024 registered with the ANC Ghatkopar Unit, for the offences punishable under Sections 8(c), r/w 22(c) and 29 of the Narcotic Drug and Psychotropic Substances Act, 1985 (for short '**NDPS**'). There are four accused in all. Two accused are absconding.

2. The facts of the case, in brief, are that on specific intelligence, the officers, alongwith the panchas, proceeded to the house of the co-accused. Both the accused were residing on a Leave & License basis, and the premises Leave and License agreement stood in joint names of both the accused. After following the due procedure prescribed under the NDPS Act, the premises were searched, during which 288 grams of heroin was recovered from a cupboard in the house. The contraband was concealed in a polythene bag kept the clothes of the accused. Accordingly, the contraband was seized and samples were drawn. Upon analysis, the seized substance was found to be heroin, which is a prohibited substance under the NDPS Act. Consequently, the accused were arrested on 19th December, 2022.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), City Civil & Sessions Court, Greater Bombay, however, by order dated 19th July, 2025, the

said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Satre, learned counsel for the Applicant, at the outset, submits that the Applicant is a young boy aged 24 years and it is not desirable that he should languish in custody in the company of hardened criminals. The Applicant is in custody since last 1 year and 2 months and has no criminal antecedents. On purely compassionate and humanitarian grounds, the Applicant be enlarged on bail. He submits that the constitutional mandate of informing the arrestee the grounds of arrest is also not complied with, inasmuch as the Applicant is conversant only with English and Hindi, whereas the grounds of arrest were furnished to him in Marathi language. Consequently, the Applicant was unable to understand the contents of the said notice. On this ground also, the Applicant deserves to be enlarged on bail.

5. Ms. Gotad, learned APP representing the State, submits that the contraband was recovered from the house

jointly taken on lease by the Applicant and the co-accused from the landlord. The quantity of heroin recovered is 288 grams, which constitutes a commercial quantity. She further submits that compliance with Section 50 of the NDPS Act was duly complied in Hindi language. Hence, the Applicant was fully aware of the grounds of his arrest and all necessary statutory provisions have been complied with. She also submits that, as per the CDR placed on record along with the charge-sheet, the Applicant was in continuous contact with the two absconding co-accused. She therefore submits that the Applicant was fully aware of the consequences of his actions and merely because the Applicant is a young boy pursuing his education, the same cannot be a ground for enlarging him on bail. She thus prays that the application be rejected.

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

7. I have also perused the panchanama dated 19th December, 2024. When the police party along with Panchas, after complying with the provisions of the NDPS Act, searched the rented flat shared by the Applicant and the co-accused and the accused were confronted with the information regarding their activities dealing in contraband substance, the Applicant disclosed the concealed place where he had hidden the contraband. Accordingly, 288 grams of heroin was recovered hidden in the folds of the Applicant's clothes in the cupboard in the flat. I have also seen the notice issued to the Applicant under Section 50 of the NDPS Act. The notice under Section 50 of the NDPS Act is in Hindi while grounds of arrest are in Marathi. I have perused the grounds of arrest given to the Applicant. Although the Applicant is said to be well conversant in Hindi and English language, there is no material to indicate his ignorance of Marathi. The Applicant has not raised a ground relating to his ignorance of Marathi language before the Trial Court while arguing his bail application for the first time, the same is raised in the arguments before this

Court. There is no prejudice caused to the Applicant for having been intimated the grounds of arrest in Marathi. In any case, there is *prima facie* reason to believe that the Applicant has committed the offence as alleged. The Applicant is in custody since 1 year and 2 months, and the maximum sentence prescribed for the alleged offence is between 10 to 20 years. Hence, a period of custody of 1 year and 2 months cannot be termed as long incarceration.

8. In view of the above discussions, Bail Application is rejected.

9. 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)