

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3532 OF 2025

Sultan Ahmed Abdul Latif Shaikh ...Appellant
Versus
Union Of India And Anr ...Respondents

Mr. Jitendra Gautam for the Applicant.
Ms.Sangeeta Yadhav a/w Ashutosh Mishra for the Respondent-
DRI
Mr. Hitendra J. Dedhia APP, for the Respondent-State.

CORAM: R. M. JOSHI, J.

DATED: 04th MARCH, 2026

PC:-

1. This application is for regular bail has been filed in connection with CR No. DRI/MZU/C/INT-119/2024 registered with Directorate of Revenue Intelligence, Mumbai, Zonal Unit Mumbai under Section 21(c), 22(c) 27(A), 28,29 r/w Sections 8(c),35 and 54 of Narcotic Durg and Psychotropic Substances Act, 1985 (for short '**NDPS, Act**).

2. At the outset learned counsel for the applicant is entitled for bail for the reason that at the time of arrest, reasons of his arrest, were not communicated to him.

3. The information received in respect of huge quantity of Mephedrone, narcotic drug being carried by two persons traveling in a bus from Hyderabad to Mumbai which was scheduled to Vashi at 7:00 A.M., on 03.12.2024. The said information further indicates that those two persons would deliver the contraband to Mahesh, who came to Mumbai from Vadodara for taking delivery of the same. He was intending to deliver the said contraband to Sultan Ahmed Abdul Latif Shaik- (present applicant). The officer of DRI intercepted two persons that is accused no. 1 and 2 near Vashi, Flyover, bus stop. During the search of Bag packs carried out under panchnama dated 03.12.2024, recovery of 16005 Grams of Mephedrone was done. The present applicant is arrested on same day in connection with the said crime on the ground that he was to take the delivery of the contraband from Kharwa Mahesh and to pass on the same to other accused.

4. Learned counsel for the applicant submits that on conclusion of investigation charge-sheet has been filed and there is no evidence in order to connect applicant with this crime. It is his submission that there is no recovery of the contraband from the applicant and recovery of sum of Rs. 88,06,600/- in cash from his house is duly explained by him. He further argued that there is documentary evidence on record to indicate that the amount in cash was received towards the security deposit of leave and licence agreement. It is his further submission that call detail records indicating exchange of call between Mahesh and the applicant, is not incriminating circumstance as there was business transaction

between them, as the applicant deals in scrap business. It is his submission that considering the age of the applicant and since the investigation is over, further custody of the applicant is not necessary.

5. Learned APP opposed the said contention by pointing out that there is recovery of commercial quantity of Mephedrone from accused No. 1 and 2 which is 16 Kilogram in the weight. It is submitted that there is *prima-facie* evidence on record in the form of call records between applicant and Mahesh as well as accused no.5, it is submitted that the cash found in the house of the applicant is pursuant to the statement of accused no.3 and which connects the applicant with the crime in question.

6. In so far as, the contention of the applicant with regard to the information disclosure of the reasons at the time of his arrest is concerned, *prima-facie*, perusal of the record indicates that there is statement of the applicant himself at the time of drawing his arrest panchnama about he being disclosed, the reasons for his arrest has been well observed by the Trial Court in the order of rejection of bail in paragraph 12 thereof.

7. There is no dispute about the fact that 16 Kg. of Mephedrone was seized from accused no. 1 and 2. The said quantity is commercial quantity. On the basis of statement of co-accused- Mahesh it was reveled that applicant was to purchase the said contraband from him and had made arrangement for the payment

in cash. Pursuant to the said information house of the accused was raided wherein an amount sum of Rs. 88,06,600/- in cash was found. Though, it is sought to be canvassed on behalf of the applicant that the said amount pertains to the transaction of leave and licence agreement and security deposit amount towards the same, the document in question is not registered document and hence at this stage this Court finds no reason or justification to accept the same even as a probable explanation of huge cash being found with accused.

8. There is further evidence in the form of CDR in respect of call records exchanged between applicant and co-accused-Mahesh (accused no.3 and accused and accused no. 5) who ultimately was to get the said contraband from present applicant and the cash sum of Rs. 1,04,85,300/- is seized from the co-accused. Thus, there is *prima-facie* evidence to show involvement of the applicant in this crime. Merely because applicant is aged 70 years plus, that does not become sole ground for his enlargement on bail.

9. This court has no reason to believe that the applicant has not committed the offence in question and is not likely to commit the same in case is enlarged on bail.

10. In view of the above discussion, application stand dismissed.

(R. M. JOSHI, J.)