

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3640 OF 2025

Mohammad Sabi Safulla Shaikh

...Applicant

Versus

State of Maharashtra

...Respondents

Mr. Kamlesh Mahadev Satre, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent-State.

Mr. Sandip Mhaske, API attached to Dharavi Police Station,
Mumbai, present.

CORAM: R. M. JOSHI, J.

DATED: 16th MARCH, 2026.

PC:-

1. Learned counsel for the Applicant submits that there is no recovery of any contraband at the instance of the present Applicant. It is his further submission that merely on the basis of statement of the Co-accused, involvement of the Applicant in this crime cannot be assumed. He drew attention of the Court to the charge-sheet, which according to him, indicates that the information received by the concerned Officer has not been reduced in writing and as such, there is non-compliance

of the provisions of Section 42(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act'). He also takes exception to the proceedings on the ground that grounds of arrest in the language known to the Applicant are not communicated and hence, he is entitled to bail.

2. The learned APP opposes the said submissions by contending that apart from the statement of Co-accused, there is statement of the independent witness, who confirms the fact that contraband was stored on the roof of his premises by the Applicant and the Co-accused. It is his further argument that since the said contraband articles were stored on the roof of the premises of the witness, was not a prior information received but during the course of the panchanama, the same was received, therefore, the question of reducing it into writing under Section 42(2) of the NDPS Act does not arise.

3. In response to his submissions, learned counsel for the Applicant seeks time to place on record the order of the Co-

ordinate Bench of this Court wherein in similar set of facts,
bail has been granted

4. At his request, stand over to **27th March 2026**.

(R. M. JOSHI, J.)

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