

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3790 OF 2025

Mohd Akbar Ali Akhtar Ali Shaikh

@ Jumman

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Sherali S. Khan, *for the Applicant.*

Mr. Mayur S. Sonavane, *APP for the State-Respondent.*

CORAM DR. NEELA GOKHALE, J.

DATED: 3rd FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 80 of 2025 dated 30th January 2025, registered with Sakinaka 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'). There are 2 accused in all.

2. The case of the prosecution, in brief, is that while the Police Officials of Sakinaka Police Station were on patrolling duty, they found Accused No.1, namely Mohd. Chauhan, loitering in suspicious circumstances on the street. Upon interrogation and search, 510 grams of Mephedrone (“MD”) was recovered from his person. Upon further interrogation, Accused No.1 disclosed the role of the present Applicant and alleged that the Applicant was the principal supplier of the said contraband. Subsequently, the present Applicant was arrested from his house. However, no recovery was made either from his house or from his person. Nevertheless, pursuant to the FIR registered against him and the Co-accused, the present Applicant was arrested on 1st February 2025.

3. The Applicant made an application seeking bail before the Special Court (NDPS), Greater Bombay. However, by order daed 22nd August, 2025, his bail application came to be

rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Sherali Khan, learned counsel appearing for the Applicant, submits that the Applicant was arrested in February 2025 and that charges have not yet been framed. He submits that nothing has been recovered from the present Applicant and that his arrest is solely based on the statement of the Co-accused. He further submits that such a statement has no admissibility in the eyes of law and, therefore, there is no material indicating the complicity of the present Applicant in the alleged offence. On these grounds, he prays that the Bail Application be allowed.

5. Per contra, Mr. Mayur Sonavane, learned APP appearing for the State, submits that there is one antecedent against the present Applicant pertaining to an offence under Section 103 of the Bharatiya Nyaya Sanhita, 2023. At this stage, Mr. Khan has placed before this Court an order dated 4th December 2024 passed by a Co-ordinate Bench of this Court, whereby

anticipatory bail was granted to the Applicant. According to Mr. Khan, it has been observed in the said order that the Applicant was arrested only on the basis of one communication with the Co-accused in that C.R. Mr. Sonavane further submits that the principal Accused has named the present Applicant as the supplier and that there is material to indicate the complicity of the Applicant in supplying the contraband to Accused No.1. On these grounds, he opposes the Bail Application.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the sole basis on which the present Applicant is implicated in the present offence is the statement of the Co-accused, Mohd. Chauhan. No recovery has been effected either from the person of the Applicant or from his house. As regards the antecedent referred to by the prosecution, it is evident from the anticipatory bail order that the Applicant appears to have been falsely implicated in the

said case. Considering that the Applicant has been in custody since 1st February 2025 and that there is no likelihood of the trial being concluded in the near future, I am inclined to enlarge the Applicant on bail. It is accordingly 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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month on first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

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)

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