

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4172 OF 2025**

Ibrahim Alam Shaikh ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Nilesh Bangar, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
PI – Lokesh Kanse a/w PSI – Dipali Pawase, *RCF Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 23rd FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No.148 of 2024 dated 7th March 2024 registered with the RCF Police Station, Brihanmumbai City for the offences punishable under Sections 8(c), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS Act”).

2. It is the case of the prosecution that on 7th March 2024, while the police officials were on patrolling duty, the

Applicant was found on an Activa scooter, lurking in suspicious circumstances. After complying with the provisions of the NDPS Act, a search of the Applicant was taken since the police were apprehensive about his conduct. 25 bottles of Codeine Phosphate and Triprolidine Hydrochloride Syrup new Welcyrex Cough Syrup of 100 ml each, were recovered from the dicky of his Activa vehicle. Panchanama was drawn on the spot and the Applicant was arrested.

3. The Applicant made an application seeking bail before the NDPS Special Judge and Additional Session Judge, City Civil and Sessions Court, Gr. Bombay. However, by order dated 27th January 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Nilesh Bangar, learned counsel for the Applicant, submits that the Applicant is falsely implicated in the crime. Nothing was recovered in his personal search. According to him, there is no compliance of Sections 42 and 50 of the NDPS Act on the part of the police officials and there is no

evidence against the Applicant. He also submits that the Applicant is in custody since 7th March 2024 and only charges are framed. Even the CA report is not yet received by the Investigating Officer. In these circumstances, he submits that the Applicant be enlarged on bail.

5. Ms. Megha Bajoria, learned APP, contests the Bail Application. She submits that the quantity recovered from the Applicant is a commercial quantity of contraband. There are other co-accused in the matter. She also submits that charges are framed by the Trial Court and all compliances under the NDPS Act, including Sections 42 and 50 have been made and there are no lapses on the part of the Investigating Officers. Thus, she submits that the Bail Application be rejected.

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

7. Considering that the Applicant is in custody since 7th March 2024 and till date, the recording of evidence has not commenced, inasmuch as even the CA report has not been received by the Investigating Agency and on the ground of lengthy incarceration, I am inclined to enlarge the Applicant on bail. The Apex court, in a series of its decisions, has observed that failure to conclude the trial within a reasonable time resulting in prolonged incarceration militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India. In such circumstances, conditional liberty overriding the statutory embargo created under Section 37 of the NDPS Act may be considered.

8. In view of the aforesaid, the Applicant is directed to be enlarged on bail and it is 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 as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant holds a passport, he shall deposit the same with the Police Station concerned;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;

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

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

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

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)