

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4233 OF 2025

Arif Khan	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Dheeraj Panchange, for the Applicant.
Mr. A.S.Gawai, APP for the Respondent-State.
Mr. R.R.Nikam, PSI attached to ANC Crime Branch, Thane, present.

CORAM: R. M. JOSHI, J.
DATED: 6th MARCH, 2026.

PC:-

1. This Application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with C.R. No. I-123 of 2025 dated 11th February 2025 registered with the Central Police Station, Thane City for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

2. It is the case of the prosecution that on 11th February 2025 at about 00.02 a.m., the Applicant along with Co-accused was found in possession of narcotic substance of 58.01 grams of Mephedrone ('MD') worth Rs.8,71,500/-. On the basis of said recovery from the person of the Applicant, he

came to be arrested. On conclusion of investigation, charge-sheet is filed.

3. Learned counsel for the Applicant submits that total alleged weight of the confiscated contraband is 58.01 grams including the pouch. It is his submission that there is no evidence to indicate weight of the pouch. Thus, according to him, the possibility of the same being below commercial quantity is not ruled out. In order to support the said submissions, he places reliance on the order dated 14th October 2025 passed by the Co-ordinate Bench of this Court in Criminal Bail Application No.3361 of 2025. He also places reliance on the order dated 4th March 2026 passed by this Court in Criminal Bail Application No.58 of 2026. It is further argued that here in this case, there is no compliance of Section 50 of the NDPS Act. To support this submission, reference is made to the written notice given to the Applicant, which is undated. On these amongst the other submissions, he seeks bail.

4. The learned APP opposed the Application by contending that 58.01 grams of MD is commercial quantity and hence, the provisions of Section 37 of the NDPS Act has application to the present case.

5. There is no dispute about the fact that the total weight of the contraband seized along with pouch is 58.01 grams. There is no evidence to show weight of the pouch. In such circumstance, this Court finds no reason not to accept the contention of the learned counsel for the Applicant that this

could be the case of seizure of the contraband of non-commercial quantity.

6. Apart from this, written notice given to the Applicant under Section 50 of the NDPS Act does not bear the date. All these aspects clearly indicate that the rigors of Section 37 of the NDPS Act may not apply to the present case. The Applicant has no criminal history behind him. He is not likely to flee from justice.

7. The trial is not likely to be commenced and concluded in a short period of time. The Applicant is in jail since 11th February 2025.

8. Hence, following order:-

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 to the satisfaction of Trial Court;

ii) The Applicant shall attend the police station concerned once in a month, till the charges are framed.

iii) 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;

- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;
- v) The Applicant shall not leave India, without 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 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;
- viii) The Applicant to co-operate with the conduct of the trial;
- ix) 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.

(R. M. JOSHI, J.)

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signed by
SHAMBHAVI
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SHIVGAN
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