

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.4247 OF 2025**

Nijamuddin Nisar Khan

...Applicant

*Versus*

State of Maharashtra

...Respondent

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**Mr. Dilip Rajbhar** a/w Kamlesh Satre, *for the Applicant.*

**Ms. Anuja S. Gotad**, *APP for the Respondent - State.*

**PSI – Avinash Darade a/w Vaibhav Khade**, D.N. Nagar Police  
Station, Mumbai, present.

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**CORAM DR. NEELA GOKHALE, J.**

**DATED: 17<sup>TH</sup> FEBRUARY 2026**

**PC:-**

**1.** By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 275 of 2025 dated 19<sup>th</sup> February, 2025 registered with the D.N. Nagar Police Station, for offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**') and Section 111 of the Bharatiya Nyaya Sanhita, 2023 ('**BNS**'). There are in all four accused persons involved in the present offence. The Applicant is Accused No.4.

**2.** The brief facts of the case are that the police officials of the D.N. Nagar Police Station, while on patrolling duty, received information from a secret source that one Mohammed Asif Abdul Gani Maniyar would be coming to Hotel Prime (now Hotel Merry Gold) to sell contraband. Acting upon the information, the police conducted a raid at the said hotel room and apprehended the said person. He was found in possession of commercial quantity of Mephedrone. 60 grams of Mephedrone was recovered from his person. During further interrogation, Accused No.1 revealed the name of Accused No.2. No recovery was effected from Accused No.2. Thereafter, Accused No.2 disclosed the name of Accused Nos.3 and 4 and consequently, Accused Nos.3 and 4 were arrested.

**3.** The Applicant made an application seeking bail before the Special Judge (NDPS), Brihanmumbai. However, by order dated 15<sup>th</sup> October, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

**4.** Mr. Rajbhar, learned counsel for the Applicant, submits that no recovery has been made from the present Applicant and that he has been arrested only on the statement of the co-accused. He submits that save and except the disclosure statement of the co-accused, there is no material on record to demonstrate the complicity of the present Applicant in the alleged offence. He submits that the Applicant has been in custody since 21<sup>st</sup> April, 2025 and charges have not yet been framed. He therefore prays that the Applicant be enlarged on bail.

**5.** Ms. Gotad, learned APP representing the State, fairly concedes that there are no antecedents against the present Applicant. However, she points to the bank statements of the Applicant, which reflect that various amounts have been credited to his account by one Faizal, a co-accused who is still absconding. She submits that these bank transactions clearly indicate the involvement of the present Applicant in the alleged offence and therefore, the Bail Application be rejected.

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

**7.** Admittedly, the present Applicant is arrested solely on the statement of the co-accused. No contraband has been recovered from his possession. The statement of the co-accused is not admissible in law insofar as the Applicant is concerned. Insofar as the bank transactions are concerned, there is no material available to connect the said credits in Applicant's account and the alleged offence *albeit* because the said deposits are being made by the absconding co-accused. Furthermore, the charges have not yet been framed, and the Applicant is in custody since 21<sup>st</sup> April, 2025.

**8.** In view of the aforesaid circumstances, 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 between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant holds a passport, he 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.

**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 learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)