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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4378 OF 2025

Gaus Siddiq Sayyed
Versus
State of Maharashtra

...Applicant

...Respondent

Mr.Rajendra S. Bidkar , *for the Applicant.*
Ms.Anuja S. Gotad, APP, *for the Respondent.*

CORAM DR. NEELA GOKHALE, J.
DATED: 04TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.II 2283 of 2024 dated 18th November, 2024 registered with the Mumbra Police Station, for the offences punishable under Sections 8(c), 20(c) and 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985, (for short NDPS Act).

2. The case of the prosecution in brief is that on 17th November, 2024, the Officers of the Mumbra Police Station

were on a patrolling duty when they received information that a person would arrive near Mumbra Bypass, Retibundar Bridge for the purpose of selling Ganja. Compliance under Section 42 of NDPS Act was raised and the panchas in the raiding team along with the material required proceeded to the spot. As per the Inquest Report, the Applicant came to receive and was trapped. After complying with the necessary provisions under the Act, the police searched him and 14.394 kgs of Ganja was recovered from one black bag travelled by the Applicant and 7.976 kgs of Ganja was recovered from another bag. Thus total Ganja recovered from the Applicant was 22.370 kgs. The Applicant was arrested pursuant to the FIR registered against him. He made an application seeking bail before the NDPS Special Court, Thane, however, by an order dated 18th July, 2025, his bail application was rejected. Hence he is before this Court for the reliefs, as prayed.

3. Mr.Rajendra Bidkar, learned counsel appearing for the Applicant submits that the Applicant is falsely implicated

in the present case. He submits that there is no compliance of Sections 40 and 50 of the NDPS Act. He also submits that the description of the contraband in the inventory panchanama, wherein the samples were taken to be sent to the C.A., show a discrepancy in the weight. The quantity of Ganja recovered from the Applicant was 22.370 kgs, by the quantity of Ganja is shown in the inventory panchanama is 20.56 kgs. On the other hand, the quantity of Ganja recovered from the co-accused is shown as reduced in the inventory panchanama. There is no cogent explanation in the said phenomenon. Hence he submits that the Applicant be released on bail.

4. Ms.Anuja Gotal, learned APP representing the State submits that the quantify of Ganja recovered from the Applicant is a commercial quantity. It is possible that the Ganja after a matter of few days shrinks in weight and hence there is no great significance to the discrepancy in the weight of Ganja, as pointed out by Mr.Bidkar. Mr.Bidkar interjects and says that there are no antecedents in respect of the

present Applicant. Ms.Gotal however, contest the Bail Application.

5. I have heard the counsels representing the parties and perused the record with their assistance. Admittedly the weight of the Ganja recovered from the Applicant and the weight as stated in the inventory panchanama are different. It is quite possible that the fruits, flowers and the leaves of the Ganjas, as seized from the Applicant, were removed at the time of weighing the same in the inventory panchanama. Considering the said discrepancy and also the fact that the Applicant is arrested on 18th November, 2024 and the charges are not framed as on date, I am inclined to enlarge the Applicant on bail. As stated by Mr.Bidkar, the Applicant has no intecedents against him apart from the present case.

6. In these 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.;
- 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.

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

8. 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)