

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4648 OF 2025

Mohammad Asif Abdul Gani Maniyar	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Kamlesh M. Satre, for the Applicant.
Mr. A.S. Gawai, APP for the Respondent - State.
PSI – Vaibhav Khade, D.N. Nagar Police Station, Mumbai, present.

CORAM: R. M. JOSHI, J.

DATED: 20th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.275 of 2025 dated 19th February, 2025 registered with D.N. Nagar Police Station, for offence punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. In short, it is the case of the prosecution that on 19th February, 2025, the Applicant was intercepted and, from his possession Mephedrone weighing about 60 grams was seized. The Applicant came to be arrested in connection with this crime. On completion of investigation, charge-sheet has been filed.

3. Learned counsel for the Applicant drew attention of the Court to the Panchanama indicating that as per the case of the prosecution, the contraband was found in a plastic bag and weight

of the same is done after keeping the said plastic bag in another zip-lock bag. It is his submission that in absence of weight of the plastic bag and zip-lock bag, it cannot be said that the seized contraband is of commercial quantity. To support his submission he placed reliance on orders of this Court and Co-ordinate Bench of this Court dated 6th March, 2026 and 3rd December, 2025 in Bail Application Nos.4233 of 2025 and 4941 of 2024 respectively.

4. Learned APP opposed the application by contending that 60 grams of Mephedrone recovered from the Applicant is of commercial quantity. It is his submission that there are nine antecedents against the Applicant though not under the NDPS Act.

5. *Prima facie* perusal of the record supports the contention of the learned counsel for the Applicant that the contraband was found with the Applicant in a plastic bag. Before weighing the same, the said plastic bag was kept in another zip-lock plastic bag. Thus, it was necessary for the prosecution to show the weight of the bags in order to determine the commercial quantity or otherwise of the contraband. In absence of any such evidence, there is no other option but to hold that this might be not the case of commercial quantity of contraband. As such, rigors of Section 37 of the NDPS Act would not apply. 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;

- 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 Saturday between 11:00 a.m. to 02:00p.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.

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

7. 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.

(R. M. JOSHI, J.)