

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4716 OF 2025

Mohd. Imran Iqbal Khan ...Applicant

Versus

The State Of Maharashtra ...Respondent

Mr. Kamlesh M. Satre, for the Applicant.

Ms. Megha S. Bajoria, APP for the State-Respondent.

API – Deepak Dalvi, Mankhurd Police Station, is present.

CORAM DR. NEELA GOKHALE, J.

DATED: 3rd FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No.259 of 2025 dated 7th May 2025 registered with the Mankhurd Police Station for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances, Act 1985 (“NDPS Act”).

2. There are in all four accused. The Applicant is Accused No.2.

3. It is the case of the prosecution that while the officials of the Mankhurd Police Station were on patrolling duty on 7th May 2025 at around 2:00 a.m., they found Accused No.1 in a

lane behind the Rickshaw Stand near a drainage, Ghatkopar-Mankhurd Link Road. He appeared to be lurking in suspicious circumstances. Hence, the police apprehended him and made inquiries. He tried to run away and was thereafter intercepted by the police. After following the due procedure of the NDPS Act, he was searched and 204 grams of Mephedrone was recovered from him. Upon further investigation, his connection with the present Applicant was also revealed. However, nothing was recovered from the Applicant. The Applicant was arrested on 8th May 2025.

4. The Applicant made an application seeking bail before the NDPS Special Judge, City Civil and Sessions Court, Greater Bombay. However, by order dated 11th November 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Kamlesh Satre, learned counsel for the Applicant, submits that there is no recovery made from the present Applicant and he is not concerned with the said offence. He

submits that the contraband was recovered only from Accused Nos. 1 and 3. He further submits that that there are neither any phone calls nor any cash transactions between the present Applicant and the other accused to connect him with the said offence. He thus submits that the Applicant is falsely implicated and prays that he be released on bail at the earliest.

6. Mr. Mayur Sonavane, learned APP, submits that there are CDRs indicating communication between Accused No.1 and the present Applicant. He submits that there are also photographs of some powder in the mobile gallery of the Applicant's phone. He submits that the extraction of the mobile phone details indicates the same. He thus submits that the Applicant is very much concerned and connected to the offence and that the Bail Application be rejected.

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

8. Admittedly, the only basis of the Applicant's arrest is the CDRs between the Applicant and Accused No.1. Undoubtedly, there are some photographs of a powder found on the Applicant's phone. However, that by itself would not lead to a conclusion, at this stage, that the Applicant is connected and involved in the said offence. Considering that no recovery has been made from him, save and except the call records with Accused No.1, there is no other material to demonstrate his involvement in the said offence. *Prima facie*, there is reason to believe that he has not committed the said offence as alleged. Hence, I am inclined to enlarge the Applicant 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also 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 has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

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)