

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4717 OF 2025**

Shahida Hafizullah Khan	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Ms. Afreen Shaikh, *for the Applicant.*
Ms. Poonam P Bhosale, *APP for the Respondent - State.*
PSI – Mahesh Anjanwad, Shivajinagar Police Station, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 06TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks her enlargement on bail in connection with C.R. No. 600 of 2025 dated 8th August, 2025 registered with the Shivaji Nagar Police Station, for the offences punishable under Sections 8(c), 29, 20(b), 22A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**').

2. The case of the prosecution, in brief, is that on 8th August, 2025, the police officials of the concerned police station set out on patrolling duty. During patrolling, they found three persons loitering suspiciously. One of them was holding a black polythene bag, another was holding a yellow plastic bag and one more person was with them. Upon interrogation, it transpired that the bags contained cough syrup having codeine phosphate in commercial quantity. After following the due procedure prescribed under the NDPS Act, all three persons were arrested. They were identified as Hanif Abdul Gafur Khan, Mohd. Ayaz Mohd. Sabuddin Khan and Nisar Ahmed Hinayat Khan.

3. During interrogation, they revealed the name of another dealer, namely Hafizullah Khan, who was subsequently arrested. Upon his interrogation, Hafizullah Khan stated that his wife was also helping him in selling cough syrup. On the basis of his statement, the Applicant, who is the wife of Hafizullah Khan, was also arrested.

4. The Applicant made an application before the Mumbai Sessions Court (NDPS), 42nd Additional Sessions Judge, however, by order dated 8th December, 2025, the said Application was rejected, hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

5. Ms. Shaikh, learned counsel for the Applicant, submits that no contraband was recovered from the present Applicant and she is alleged only to have assisted her husband in selling the contraband. She submits that the only material available against the present Applicant is the statement made by her husband against her. It is also submitted that the Applicant is a woman and has two minor children, who need to be looked after by her. She further submits that the Applicant has no criminal antecedents. She thus, prays that the Applicant be released on bail.

6. Ms. Bhosale, learned APP representing the State, on the other hand contests the Bail Application. She has tendered list of three cases pending against the Applicant.

However, those cases relate to bodily offences and not to any offence under the NDPS Act. In any case, Ms. Bhosale submits that the Applicant's own statement demonstrates her involvement in the offence. As such, she submits that rigors of Section 37 are not satisfied and, therefore, the application be rejected.

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

8. A bare reading of the FIR and the Panchanama clearly indicates that the only material available against the present Applicant is the statement of her husband, given to the police, alleging that she had assisted him in dealing with the said contraband. I have also perused the statement given by the Applicant herself. It appears that the Applicant is a woman beaten by her husband on daily basis. In these circumstances, apart from the statement of Applicant's

husband, namely Hafizullah Khan, there is no material to indicate her complicity in the offence.

9. *Prima facie* there is no material to show that the Applicant has committed the said offence. Considering that the Applicant has to look after her two minor children and that she has been incarcerated for the past four months, 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.35,000/- with one or two local sureties in the like amount;
- ii) The Applicant is permitted to furnish provisional cash bail of Rs.35,000/- for her release immediately and file undertaking that she will provide one or two sureties in the like amount of Rs.35,000/- within a period of four weeks after her

release, which shall be accepted by the Trial Court.

The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) 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;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform her 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;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

11. 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)