

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

BAIL APPLICATION NO.4802 OF 2025

Shahbaz Akbar Ali Sayyad

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Kamlesh Satre, *with Vikas Chavan, i/b Nilesh S Bangar
for the Applicant.*

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

Mr. Avinash Darade, *PSI attached to D.N.Nagar Police Station,
Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 2nd FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 275 of 2025 dated 19th February 2025 registered with the D. N. Nagar Police Station, Mumbai for the offences punishable under Sections 8(c) read with 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). There are in all 6

Accused out of which 4 Accused are arrested and 2 Accused are absconding.

2. The case of the prosecution, in brief, is that, while the officials of D.N. Nagar were on patrolling duty, they received information from a secret source that Accused No.1, namely, Mohd. Asif Maniar, was coming to meet his cronies at a particular place. Accordingly, the officials along with the pancha witnesses reached the said place and apprehended Accused No.1. Upon search, 60 grams of Mephedrone ('MD') was recovered from him. During further interrogation, Accused No.1 disclosed the name of the present Applicant. Consequently, the police traced the present Applicant; however, no contraband was recovered from him. Thereafter, on the basis of the statements of Accused No.1 and the present Applicant, the names of other co-accused were revealed and accordingly Accused Nos.3 and 4 were also arrested pursuant to the FIR registered against all of them.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), Greater Bombay. However, by order dated 20th September 2025, his application for bail was rejected. Hence, he is before this Court for the reliefs as prayed.

4. Mr. Kamlesh Satre, learned counsel appearing for the Applicant, submits that nothing has been recovered from the present Applicant and that his arrest is solely based on the statement of the co-accused. He submits that such statement has no admissibility in the eyes of law and, therefore, there is no material indicating the complicity of the present Applicant in the alleged offence. He further submits that the Applicant has been in custody since 20th February 2025 and, till date, the charges have not been framed. On these grounds, he prays that the Bail Application be allowed.

5. Per contra, Ms. Megha Bajoria, learned Special Public Prosecutor representing the Union of India, submits that there is one antecedent against the present Applicant being C.R. No.

161 of 2024 under the NDPS Act, wherein 12 grams of MD was recovered from him. However, she fairly concedes that apart from the statement of Co-accused Asif, at this stage, there is no material on record indicating the complicity of the present Applicant in the present offence. She, therefore, opposes the bail application.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the present Applicant has been arrested only on the basis of the statement of the Co-accused Asif. There is no recovery of contraband from the present Applicant. The statement of a Co-accused, as rightly pointed out, is not admissible in law insofar as the present Applicant is concerned. The Applicant has been in custody since 20th February 2025. The charges are yet to be framed and the trial is unlikely to conclude in the near future.

8. 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/- (Rupees Fifty Thousand Only) 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 Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

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.

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)

SHAMBHAVI
NILESH
SHIVGAN

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2026.02.03
10:26:12
+0530