

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4843 OF 2025

Asif Mohammed Hussain Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Khan Sherali Shakhbagul, for the Applicant.

Mr. Mayur S. Sonavane, APP for the Respondent - State.

API – Amol Gavai, ANC Azad Maidan Unit Mumbai, present.

CORAM: R. M. JOSHI, J.

DATED: 2ND APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No. 36 of 2025 registered with Anti Narcotic Cell, Mumbai, for offence punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. In brief it is the case of the prosecution that Accused No.1 was found in possession of 127 grams of Mephedrone. Apart from the contraband, two mobile phones were also seized from his person. On the basis of statement of Accused No.1, the present Applicant came to be arrested. On conclusion of investigation, the charge-sheet is filed.

3. Learned counsel for the Applicant submits that there is absolutely no evidence on record or in the charge-sheet to connect

the Applicant with the crime in question. It is his submission that the statement of Accused No.1 recorded under Section 67 of the Act is not evidence much less substantive evidence. He therefore seeks bail.

4. Learned APP opposed application by contending that there is recovery of commercial quantity of contraband from co-accused and hence the provisions of Section 37 would apply to the instant case.

5. *Prima facie* perusal of the record indicates that except for the alleged statement of co-accused, there is absolutely no evidence to show involvement of the Applicant in the crime. Even if it is accepted for the sake of argument that statement of the co-accused recorded during the course of investigation is relevant, at that stage, there is no further investigation carried out by the investigating agency in order to bring any evidence to show involvement of the Applicant in this crime. In absence of any such evidence he cannot be kept in jail. He is in custody from 29th May, 2025. The trial is not likely to get over in a reasonable period of time. Hence, bail application is allowed.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.36 of 2025 registered with the Anti Narcotic Cell, Mumbai, the Applicant be enlarged on bail on furnishing PR Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.

iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

iv) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.

6. 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.)