

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4926 OF 2025

Faisal Farukh Thakur

...Applicant

Versus

State of Maharashtra

...Respondents

Mr. Yakub Shaikh a/w Tahera Qureshi, for the Applicant.
Ms. Shilpa K. Gajre-Dhumal, APP for the Respondent-State.
API – Paulbuddhe, Manpada Police Station, Dombivali (E), present.

CORAM: R. M. JOSHI, J.

DATED: 30th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.518 of 2022 dated 02.07.2022 registered with Manpada Police Station, for offence punishable under Sections 8(c), 20(b) (ii) (c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. Learned counsel for the Applicant submits that herein this case, the samples which were sent to Chemical Analyser were not taken before the Magistrate and as such there is non-compliance of Section 52A of the NDPS Act. Apart from this, it is his submission that similarly placed co-accused are granted bail by this Court by orders dated 5th July, 2023 passed in Bail Application No.235 of 2023 and 8th December, 2023 passed in Bail Application No.1035 of 2023. He, therefore, seeks bail on parity.

3. Learned APP though opposed the application, was unable to distinguish role of the present Applicant as compared to the co-accused who have been enlarged on bail.

4. This Court by order dated 5th July, 2023, this Court dealt with the issue with regard to failure on the part of the Investigating Agency to take samples of the contraband before the Magistrate. By referring to the judgment of the Hon'ble Supreme Court in the case of *Union of India Vs. Mohanlal and Anr.*¹, it held that the co-accused is entitled for bail.

5. In the similar facts and considering the same role attributed to the Applicant and as the Applicant has no criminal history behind him, the application deserves to be allowed. Hence, following order.

ORDER

i) The Applicant-Faisal Farukh Thakur, be released on bail in connection with C.R. No.518 of 2022, registered with Manpada police station for the offences punishable under Sections 8(c), 20(b) (ii) (c) and 29 of the NDPS Act, on furnishing personal bond and surety bond of Rs.50,000/-.

ii) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.

iii) The Applicant shall cooperate the police as and when required.

1 (2016) S SCC 379

iv) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.

6. Bail Application is allowed and is 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.)