

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 37 OF 2026**

Ali Rizvi @ Ali Chikna Sayyed ...Applicant  
Versus  
State Of Maharashtra \_\_\_\_\_ ...Respondent

**Ms. Munira Palanpurwala** *a/w Deepa Amati, Sumaiya Khan  
and Kainat Sayyed, for the Applicant.*

**Ms. Gauri S. Rao**, *APP for the State-Respondent.*

**WPSI – Dipali Pawase and PSI – Pradeep Shinde**, *RCF Police  
Station, are present.*

\_\_\_\_\_  
**CORAM DR. NEELA GOKHALE, J.**  
**DATED: 13<sup>th</sup> JANUARY 2026**

**PC:-**

**1.** The Applicant seeks his release on bail in connection with C.R. No. 187 of 2025 dated 5<sup>th</sup> April 2025 registered with the RCF Police Station, Mumbai for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

**2.** The case of the prosecution, in brief, is that the co-accused, one Sayyed Ali Abbas, was arrested on 5<sup>th</sup> April 2025

and 450 grams of Mephedrone (MD) was recovered from the said accused. After following the due process of law and all the compliance under the NDPS Act, the Accused No.1 was interrogated and he revealed the involvement of the present Applicant as having been the supplier of the said contraband. Accordingly, a search was conducted at the premises of the present Applicant. However, nothing was recovered from the present Applicant. The mobile phones of the both the accused were seized and a chat was extracted from the mobile phone of the present Applicant by the investigating agency. The word '*maal*' appears in the said chat. There is also one picture of a packet appearing on the phone of the Applicant. Hence, the police arrested the present Applicant on the basis of the extracted material from the mobile phone of the Applicant and the statement given by the main accused. The Applicant was arrested on 18<sup>th</sup> April 2025.

**3.** The Applicant filed an application seeking bail before the Special Judge (NDPS), Greater Bombay. However, by

order dated 12<sup>th</sup> December 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

**4.** Ms. Munira Palanpurwala, learned Counsel for the Applicant, submits that nothing was recovered from the present Applicant nor at his instance. She submits that there is no seizure or arrest panchanama of the Applicant and the Applicant was arrested only on the submission of the co-accused, Sayyed Ali Abbas. According to Ms. Palanpurwala, there are no criminal antecedents against the present Applicant. She submits that the Applicant was arrested on 8<sup>th</sup> April 2025 and charges are not yet framed. In these circumstances, she prays that the Applicant be enlarged on bail.

**5.** Ms. Gauri Rao, learned APP, on instructions, concedes that nothing was recovered from the present Applicant. She however, submits that the extraction panchanama in the charge-sheet clearly records that the WhatsApp messages

between the co-accused and the present Applicant reflect his involvement in the offence. She also points to the picture of one packet extracted from the mobile phone. She, on instructions, submits that although at present it appears that there is no antecedents against the Applicant, there may be an antecedent in the form of FIR/complaint against the Applicant in Hyderabad. However, at present, the Investigating Officer is neither able to confirm nor deny the same. She submits that 450 grams of MD was recovered from the co-accused, which is a substantial quantity of contraband. In these circumstances, the Bail Application be rejected.

**6.** I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

**7.** Admittedly, nothing was recovered from the Applicant. The only and sole ground for his arrest is on the basis of the statement of the co-accused as well as the WhatsApp messages extracted from his mobile phone. I have perused the

screenshots of the WhatsApp messages, which refers to some transactions involving the word '*maal*'. In my view, there is no sufficient reason to believe the involvement of the present Applicant in the offence. At present, there are no criminal antecedents found against the Applicant by the Investigating Officer. In these circumstances, *prima facie*, there is reason to believe that the Applicant may not have committed the same offence and is not likely to commit the same if enlarged on bail. Accordingly, 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.

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

**9.** 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)