

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

BAIL APPLICATION NO.400 OF 2026

Mohammad Iqbal Abdul Hamid Menon @ **...Applicant**
Iqbal Ticket

Versus

State of Maharashtra **...Respondent**

Ms. Deepa Amati Muttagi i/by Munira Palanpurwala, *for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the Respondent - State.*

PSI – Gokul Shinde, Dongri Police Station, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 04TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 343 of 2025 dated 23rd August, 2025, registered with the Dongri Police Station, for the offences punishable under Sections 8(c) read with Section 21(b), 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**').

2. The prosecution case, in brief, is that while police officials were on patrolling duty they found Accused No.1

lurking in suspicious circumstances. After complying with the mandatory provisions of the NDPS Act, the police officials conducted his search. 6.16 grams of Mephedrone was recovered from the Accused No.1. He was arrested pursuant to registration of the FIR. On interrogation, the Accused No.1 revealed that he purchased the said contraband from the present Applicant, who is Accused No.4. The Accused No.1 also took the name of Accused No.2. The police arrested Accused No.2, from whom 87 grams of Charas was recovered. Accused No.2 then revealed the name of the present Applicant, stating that he purchased Charas from the present Applicant. The Applicant was arrested on 17th September, 2025. There is no recovery made from the present Applicant

3. The Applicant made an application seeking bail before the Special Judge (NDPS), City Civil & Sessions Court, Greater Bombay, however, by order dated 23rd December, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Ms. Deepa Amati Muttagi, learned counsel for the Applicant, submits that no contraband was recovered from the present Applicant. She further submits that only on the basis of the statements of Accused Nos.1 and 2, the Applicant has been arrested. She further submits that there is no material on record to indicate the complicity of the present Applicant in the alleged offence. She thus prays that the Applicant be enlarged on bail.

5. Ms. Poonam Bhosale, learned APP, on instructions from the Investigating Officer, submits that a cash to the tune of Rs.5,49,400/- was recovered from the Accused No.2 who admitted that this cash belongs to Accused No.4 i.e. the present Applicant. In fact, when the cash was recovered, the Accused No.2 was in the house of the Applicant. She submits that there are two antecedents against the Applicant under the provisions of Indian Penal Code. She thus prays that the bail application be rejected.

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

7. Admittedly, no contraband was recovered from the present Applicant. Only on the basis of statement of Accused Nos.1 and 2 the Applicant has been arrested. Cash amount was recovered from the Accused No.2 *albeit* while he was in house of the present Applicant does not demonstrate *prima facie* involvement of the Applicant in the alleged offence. No purpose will be served by continued incarceration of the Applicant as there was no contraband was recovered from him.

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/ 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 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)