

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.404 OF 2026**

Sanaullah Habibullah Khan	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. S.K. Ali i/by Asif Shaikh, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the Respondent - State.*

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.399 of 2025 dated 28th May, 2025 registered with the Shivajinagar Police Station, District: Mumbai, for the offences punishable under Sections 8(c), 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**').

2. The case of the prosecution is that during the intervening night of 27th May, 2025 and 28th May, 2025, the

police officials, while were on patrolling duty near Lotus Colony, received information from a secret source that there is one person dealing in contraband near Kadri Dairy Gowandi, Mumbai. Accordingly, the police officials located the said person and after following the due procedure prescribed under the NDPS Act, they apprehended and conducted search of his person. 5.17 grams of Mephedrone was recovered from his person. On interrogation, he revealed the name of Accused No.2, from whom he purchased the said contraband. Accordingly, police arrested the present Applicant on 10th June, 2025. However, no contraband was recovered from the present Applicant.

3. The Applicant made an application seeking bail before the NDPS Special Judge, City Civil & Sessions Court, Greater Bombay, however, by order dated 1st December, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Ali, learned counsel for the Applicant, submits that no contraband was recovered from the present Applicant nor from his premises. Only on the basis of a statement made by Accused No.2, the Applicant was arrested. The Applicant is a sole bread winner of his family. Hence, Mr. Ali, prays that the Applicant be enlarged on bail.

5. Ms. Bajoria, learned APP, states that the Applicant is a habitual offender and he has two criminal antecedents; one under the provisions of the Indian Penal Code and one under the provisions of NDPS Act. She submits that while the Applicant was on bail in earlier offence, he has been arrested in the present offence. She thus prays that the application be rejected.

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

7. Considering that no contraband was recovered from the present Applicant and that 10 grams of Mephedrone

was recovered from the present Applicant in the previous case registered under the NDPS Act, which is an intermediate quantity, 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.

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 learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)