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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.556 OF 2026

Faeem Farooq Shah

...Applicant

V/s.

Union of India & Anr.

..Respondents

Mr.Agastya Desai for the Applicant.

Ms.Megha Bajoria SPP for UoI – Respondent No.1.

Mr.S.S. Ghag, APP for the State – Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 10TH APRIL, 2026.

P.C. :-

1. Learned SPP appears for Respondent No.1 files affidavit in reply, taken on record, copy is made over to the other side.

2. The applicant seeks bail in connection with Crime No.F.No.SD/INT/AIU/441/2025-AP 'A' registered with Intelligence Officer, AIU, CSMI Airport, Sahar, Mumbai for the offences punishable under Sections 21(b), 23(b), 28, 29, 30, 35, 54, r/w 8(c) of NDPS Act.

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3. In short, it is the case of the prosecution that from the present applicant, 2800 grams Ganja was recovered. This recovery was done on the basis of specific intelligence received by the Authority. After due compliance of the provisions of the NDPS Act, investigation is completed and chargesheet is filed.

4. Learned counsel for the Applicant submits that the Applicant has no criminal history and considering the fact that the contraband seized at the instance of the Applicant is not of commercial quantity, rigors of Section 37 of the Act has no application.

5. Learned SPP opposed the application by citing the seriousness of the crime and the possibility of re-occurrence of the crime.

6. Once it is not in dispute that the contraband seized from the applicant is not of commercial quantity, the rigors of Section 37 of the Act would not apply. In such circumstances, when the applicant has no criminal history, no purpose would be served by putting him in jail once the investigation is over. His presence will and can be secured by imposing appropriate

conditions. Hence the order :-

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.F.No.SD/INT/AIU/441/2025-AP 'A' registered with Intelligence Officer, AIU, CSMI Airport, Sahar, Mumbai on furnishing PR bond of Rs.30,000/- with one surety or two sureties in the like amount to the satisfaction of the Trial Court.
- c). The Applicant not to leave India without the permission of the Trial Court.
- d). The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.
- e). The Applicant not to contact any witness directly or indirectly and not to interfere into the evidence of the prosecution in any manner whatsoever.
- f). It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)