

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

BAIL APPLICATION NO.623 OF 2026

Shoukeen Jaheed Gada

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Ashwinii Achari, *with Anish Pereira, i/b Taraq Sayed, for the Applicant.*

Ms. Megha Bajoria, *APP for the Respondent-State.*

Mr. Nikhil Chavan, *PSI attached to ANC-01, MBVV Commissionerate, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 16th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 125 of 2025 dated 20th March 2025 registered with the Kashigaon Police Station, Mira-Bhayander, Vasai-Virar for the offences punishable under Sections 8(c) read with 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

There are in all seven Accused; the Applicant is Accused No.4 and Accused Nos.5 to 7 are absconding.

2. The case of the prosecution reveals that, on specific intelligence, the officers of the Police Station intercepted Accused Nos.1, 2 and 3. Upon search, 325 grams of heroin was allegedly recovered from Accused Nos.1 to 3. The mobile phone of Accused No.2 was examined, which revealed the phone number of the Applicant herein. When the police tried to contact the Applicant (Accused No.4), they realized that entire log record, along with messages and phone numbers, had been deleted. Hence, the Applicant i.e., Accused No.4, was also arrested on 27th March 2025.

3. The Applicant filed an application seeking bail before the Special Judge, (NDPS), Thane. However, by order dated 9th December 2025, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Ms. Ashwinii Achari, learned counsel appearing for the Applicant, submits that the Applicant is innocent and this is a case of false implication. She further submits that there is non-compliance of Sections 42, 50 and 52A of the NDPS Act; nothing has been recovered from the present Applicant and he has been arrested only on the basis of statement of Co-accused, i.e., Accused No.2, which is inadmissible in law. Additionally, she submits that investigation is complete; charge-sheet is filed and Applicant's continued incarceration is not required and hence, prays that he be enlarged on bail.

5. *Per contra*, Ms. Megha Bajoria, learned APP representing the State in the matter, submits that Accused Nos.1 and 2 were found in possession of commercial quantity of contraband, i.e., almost 325 grams of Heroin during the raid. She submits that there is sufficient evidence against the Applicant about his involvement in the crime. However, when the mobile phone of Accused No.2 was seized, it revealed his connection with the present Applicant and then, all the call

logs and messages were found to be deleted from the Applicant's phone. Thus, she admits that although the involvement of the present Applicant in the present offence is quite clear, there is no significant material at this stage to bring home his guilt. Hence, she leaves it to the Court to pass appropriate orders.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the only evidence against the Applicant is the statement of the Co-accused, which is inadmissible in the eyes of law. There is no independent material on record to implicate the Applicant in the present offence. Admittedly, the Applicant has no antecedents. In these circumstances, *prima facie* there are reasonable grounds to believe that the Applicant has not committed the said offence. Considering that the Applicant has no antecedents, it is unlikely that he will repeat the said offence if released on bail.

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 on first Monday 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)

SHAMBHAVI
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SHIVGAN

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