

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.663 OF 2026**

Sirajuddin Saeed Khan @ Baba Papa	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Kiran Gogavale, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the Respondent - State.*
PSI – Mahesh Anjanwad, Shivajinagar Police Station, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 18TH 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, for the offences punishable under Sections 8(c) read with Section 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘**NDPS**’). There are in all two accused. The Applicant is Accused No.1.

Accused No.2 has been enlarged on bail since he was arrested only on the statement of the co-accused.

2. The brief facts of the prosecution case are 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 i.e. the present Applicant, selling contraband near Kadri Dairy Gowandi, Mumbai. Accordingly, the police officials located the Applicant and after following the due procedure prescribed under the NDPS Act, they apprehended and conducted search of the Applicant. A quantity of 5.17 grams of Mephedrone (MD) was recovered from the physical search of his person. On interrogation, he revealed the name of Accused No.2, from whom he purchased the said contraband. Pursuant to registration of the FIR, the Applicant came to be arrested on 28th May 2025.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), City Civil & Sessions Court,

Greater Bombay. However, by order dated 30th October 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Kiran Gogavale, learned counsel for the Applicant, submits that only 5.17 grams of contraband was recovered from the Applicant and the same being of an intermediate quantity, the Applicant be enlarged on bail. He relies upon the order of this Court granting bail to the co-accused and on the principle of parity, he prays that the Applicant also be enlarged on bail.

5. Ms. Megha Bajoria, learned APP representing the State, at the very outset submits that the Applicant has as many as 17 antecedents against him pertaining to bodily offences under the Penal Code. She submits that out of 17 antecedents, the Applicant has been acquitted in 5 offences, convicted in 2 offences and 3 are pending trial. She points to the observations of the Trial Court which states that the Applicant is a habitual offender. He is facing prosecution in

similar nature of offence of drug trafficking in another CR. She submits that the Applicant has also suppressed this material fact pertaining to his antecedents in the bail application. She submits that the CA report also demonstrates that the contraband recovered from the present Applicant is Mephedrone. She further submits that insofar as the order enlarging the co-accused on bail is concerned, no contraband was recovered from him and it was only on the statement of the co-accused i.e. the present Applicant, that he was arrested, *albeit* he too is involved in the drug related offences. Hence, she prays that the 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, an intermediate quantity of 5.17 grams of contraband i.e. MD was recovered from the present Applicant. Although the rigors of Section 37 of the NDPS Act are not attracted in relation to the present case, the

parameters of grant of bail prescribed under the Cr. PC are definitely attracted to the present case. It is clear from the material available on record that the Applicant is convicted in two cases involving bodily offences and three are pending still pending against him. Insofar as the order enlarging the co-accused on bail is concerned, this Court was persuaded to grant bail to him on the ground that no contraband was recovered from him and it was on the statement of the co-accused i.e. the present Applicant, that he was arrested. Thus, the Applicant cannot claim any parity with the co-accused. Furthermore, the Applicant has failed to reveal antecedents against him in his bail application and this Court was apprised of the said material fact, only by Ms. Bajoria, the Learned APP. In these circumstances, despite the quantity of the contraband being of an intermediate quantity and considering the past antecedents against the Applicant, also concealed from this Court, I am not inclined to enlarge the Applicant on bail.

8. The Bail Application is rejected.

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)