

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

BAIL APPLICATION NO. 667 OF 2026

Mohd Ayaz Mohd Sabuddin Khan

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Aafreen Shaikh, for the Applicant.

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

CORAM DR. NEELA GOKHALE, J.

DATED: 18th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 600 of 2025 dated 8th August 2025 registered with the Shivaji Nagar Police Station, Brihanmumbai City for the offences punishable under Sections 8(c), 22(b), 20(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). There are in all 7 Accused; the Applicant is Accused No.2; Accused Nos.5 to 7 are on bail and Accused Nos.1 to 4 including the present Applicant are in custody.

2. The case of the prosecution, in brief, is that on 8th August 2025 while police officials of Shivaji Nagar Police Station were on patrolling duty, they noticed three persons lurking in suspicious circumstances. They were intercepted and then enquiry was made with them. They gave evasive answers during the enquiry. Hence, after following the due process of law, their search was conducted. During the search, 6.97 grams of Heroin was recovered from the present Applicant. Consequently, the Applicant was arrested pursuant to an FIR lodged against him.

3. The Applicant filed an application seeking bail before the Special Judge (NDPS) and Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai. However, by order dated 31st January, 2026, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Ms. Aafreen Shaikh, learned counsel appearing for the Applicant, submits that the contraband allegedly recovered

from the present Applicant is of intermediate quantity and is far below the notified commercial quantity. She submits that, therefore, the rigours of Section 37 of the NDPS Act would not be attracted in the present case. Furthermore, she submits that there is no material on record to substantiate the allegation of conspiracy under Section 29 of the NDPS Act, as the search of the Applicant's residence did not yield any incriminating material. Additionally, Ms. Shaikh submits that the Applicant is in his twenties and has two minor children to support. In these circumstances, she prays that the Bail Application be allowed.

5. *Per contra*, Ms. Megha Bajoria, learned APP representing the State in the matter, submits that the maximum sentence prescribed for the offence is ten years. She further submits that though 6.97 grams of Heroin recovered from the Applicant is of intermediate quantity, the Applicant, along with the Co-accused, is involved in a drug distribution racket. In these circumstances, she resists the Bail Application.

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

7. Admittedly, 6.97 grams of Heroin has been recovered from the Applicant, which is below the notified commercial quantity and falls within the intermediate quantity as contemplated under the Narcotic Drugs and Psychotropic Substances Act, 1985. There are no criminal antecedents attributed to the present Applicant. Further, there is no material on record to *prima facie* indicate any conspiracy between the Applicant and the Co-accused.

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)

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