

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

BAIL APPLICATION NO.779 OF 2026

Mohd. Noor Anwar Retiwala

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Munira Palanpurwala, *with Sumaiya Khan, Deepa Amati, Kainat Sayyed, for the Applicant.*

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

Mr. Awale, *IO, PSI and HC-060119, attached to ANC Azad Maidan Unit, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 25th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 55 of 2025 dated 7th July 2025 registered with the Anti Narcotics Cell (ANC), Azad Maidan Unit, Mumbai for the offences punishable under Sections 8(c) read with 22(c), 20(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, is that, on 7th July 2025, on the basis of information received from a secret source, the Police Officials conducted a raid at Room No.104, 10th Floor, Santosh CHS, Samarth Nagar, Cross Road No.3, Lokhandwala Complex, Andheri (W), Mumbai. Accused No.1- Shahajan Kifayatullah Shah was found in the said room. During the search of Accused No.1, 703 grams of Charas and 104 grams of Mephedrone ('MD') were seized. Hence, the FIR was registered. During interrogation of Accused No.1, he disclosed the name of the present Applicant as being confederate and supplier of the contraband. Hence, the Applicant was also arrested on 12th July 2025.

3. The Applicant filed an application seeking bail before the Special Judge (N.D.P.S.), City Civil & Sessions Court, Greater Bombay. However, by order dated 11th February 2026, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Ms. Munira Palanpurwala, learned counsel appearing for the Applicant, submits that the Applicant has been falsely implicated in this case only on the basis of statement given by the Co-Accused, i.e., Accused No.1 and the said statement is inadmissible in the eyes of law. There is no recovery of contraband from the present Applicant. There is no material on record to indicate the Applicant's involvement in the offence. He has suffered incarceration for more than six months. Hence, she prays that Bail Application be allowed.

5. *Per contra*, Ms. Megha Bajoria, learned APP representing the State in the matter, submits that although there is no recovery made from the present Applicant, there are certain bank transactions showing the involvement of the Applicant in the alleged offence. At this juncture, Ms. Palanpurwal interjects and states that there are no such bank transactions involving the present Applicant. Thus, Ms. Bajoria resists the Bail Application.

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

7. Admittedly, there is no recovery of contraband from the present Applicant. Ms. Bajoria, fairly concedes that there are no antecedents against the present Applicant. It is only on the basis of statement of the Co-accused that the present Applicant has been arrested. No other material is available on the record at this stage to connect the Applicant with the alleged offence. In these circumstances, there is a reason to believe that the Applicant has not committed the alleged offence and will not commit any 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 Anti-Narcotics Cell, Azad Maidan Unit, Mumbai 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 holds a passport, he shall deposit the same with the Anti Narcotics Cell, Azad Maidan Unit, Mumbai;

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 Anti Narcotics Cell (ANC), Azad Maidan Unit, Mumbai;

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. The Bail 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
NILESH
SHIVGAN

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2026.02.27
11:04:01
+0530