

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 807 OF 2026

Arfat Hanif Shaikh	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Swapnil Patil, i/b Dev Gupta, for the Applicant.
Ms. Megha Bajoria, SPP with S.S.Ghag, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 8th MAY, 2026.

PC:-

1. The Applicant seeks bail in N.D.P.S. Special Case No.2701 of 2025 in NDPS Special R.A. No. 1608/RA/2025 arising out of F.No. SD/INT/AIU/435/2025-AP 'A' registered with Air Intelligence Unit, Chhatrapati Shivaji Maharaj International Airport, Terminal-II, Mumbai for the offences punishable under Sections 8(c) read with 21(b), 23(b), 28, 29, 30, 35 and 54 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. In short, it is the case of the prosecution that on the basis of prior information, a trap was laid and on arrival of the present Applicant, 1144 grams of Ganja was recovered from the present Applicant. On conclusion of investigation, the charge-sheet is filed.

3. Learned counsel for the Applicant submitted that the Applicant has no criminal history, and since the seized contraband is of non-commercial quantity, the rigors of Section 37 of the NDPS Act has no application to the present case.

4. Though, reply is not filed on record, the learned Special Public Prosecutor opposes the Application by citing seriousness of the crime.

5. Since, admittedly, the contraband seized from the present Applicant is of non-commercial quantity, rigors of Section 37 of the NDPS Act have no application to the present case. After completion of investigation and filing of charge-sheet coupled with the fact that the Applicant has no criminal history behind him, there is no impediment in granting bail to the Applicant.

ORDER

(i) The Bail Application stands allowed in connection with N.D.P.S. Special Case No.2701 of 2025 in NDPS Special R.A. No.1608/RA/2025 arising out of F.No. SD/INT/AIU/435/2025-AP'A' registered with Air Intelligence Unit, Chhatrapati Shivaji Maharaj International Airport, Terminal-II, Mumbai;

(ii) The Applicant be released on bail on furnishing PR. Bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant shall not leave India without seeking prior permission of the Trial Court till conclusion of trial;

(iv) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

(v) 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.

6. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

SHAMBHAVI
NILESH
SHIVGAN

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