

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1020 OF 2026

Hazrat Ali Rehman Ali Khan	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Ms. Ashwinii Achari, with Taraq Sayed, Aryan K. Kotwal and Anish Pereira, for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 5th MAY, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 0588 of 2025, dated 30th July 2025 registered with Byculla Police Station, Brihanmumbai Shahr for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. In short, it is the case of the prosecution that on 30th July 2025, while on patrolling duty, Accused No.1 came to be apprehended. From him, there is a recovery of commercial quantity of Mephedrone ('MD') and *Charas*. Insofar as the present Applicant is concerned, he came to be arrested on the basis of a statement made by the Co-accused. He was already in custody in Crime No.88 of 2025 registered with the Anti-Narcotic Cell, Azad

Maidan, and from there, his custody is sought in the present case. Since 21st October 2025, he is in jail.

3. Learned counsel for the Applicant submits that except for the statement of the Co-accused recorded under Section 67 of the NDPS Act, there is absolutely no evidence in order to connect the Applicant with the crime in question. It is her submission that the said statement of the Co-accused is not admissible in evidence during trial and, as such, it can not be relied upon even at this stage.

4. The learned APP opposes the Application by citing seriousness of the Crime. It is his contention that from the Co-accused, a commercial quantity of contraband has been seized and as such, the embargo of Section 37 of the NDPS Act would apply to the present case. He also opposes the bail by submitting that one more crime is registered against the Applicant being Crime No.88 of 2025 registered with the Anti-narcotic Cell, Azad Maidan.

5. Needless to say, that the statement of a Co-accused under Section 67 of the NDPS Act is not evidence, which can be relied upon during the course of trial. A perusal of the charge-sheet except for the said statement, there is absolutely no evidence in order to connect the Applicant with this crime. Thus, there is a reason to believe that the Applicant has not committed the crime in question. Merely because there is one antecedent against the Applicant, there is no presumption that if enlarged on bail, the Applicant would commit a similar crime. Hence, following order:

ORDER

(i) The Bail Application stands allowed in connection with Crime No. 0588 of 2025, dated 30th July 2025 registered with Byculla Police Station, Brihanmumbai Shahr;

(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 not to interfere into the evidence of the prosecution in any manner whatsoever;

(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
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