

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

ANTICIPATORY BAIL APPLICATION NO. 343 OF 2026

Aaftab Asif Khan

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Ayaz Khan a/w Adv. Zehra C., i/b Adv. Mallika Sharma,
Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 10.02.2026.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 875 of 2024 registered at D. N. Nagar Police Station, for the offences punishable under Sections 8(c), 22(c) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The applicant is accused No.8 in the above crime. On 03.09.2024, Police Inspector Dayanand Nayak attached to Crime Branch got the information that a wanted accused, Saifulla

Allabaksh, is hiding himself in a chawl room at Dongri, Andheri (W). The police squad was thus constituted to arrest the said accused. It is alleged that when the police squad reached to the place where according to the information, the wanted accused was hiding, the accused Nos. 1 to 4 in the present crime were present in the said room. It is alleged that accused Nos. 1 to 4 found in possession of the contraband MD (Mephedrone) of commercial quantity weighing 62 grams worth Rs.6,20,000/-. During the course of interrogation, they disclosed that the said contraband belongs to the present applicant and the accused Nos. 5 to 7. It was further revealed that the said room belongs to the present applicant and accused No.7, who is the wife of the applicant. Accordingly, the present crime came to be registered.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that though the accused Nos. 1 to 4 were found at the place of incident, however, accused No. 4 was not arrested. It is submitted that the Sessions Court has granted anticipatory bail to accused

No4. It is submitted that according to the prosecution, accused Nos.1 to 4 disclosed the name of the applicant. It is submitted that search and seizure was video recorded and the said video recording does not contain any such disclosure. It is submitted that even otherwise the disclosure statement of the co-accused to the police cannot be relied upon as they are inadmissible in evidence. The learned counsel for the applicant submits that the prosecution has filed the charge-sheet against the other co-accused. The learned counsel for the applicant has drawn my attention to the various orders passed by the Sessions Court to submit that the Sessions Court has even doubted the recovery. It is submitted that considering the said facts and circumstances the applicant be released on anticipatory bail.

6. On the other hand, the learned APP for the respondent-State submits that the present applicant is a supplier. It is submitted that the present applicant is the owner of the room in question. It is submitted that the applicant is involved in one more crime of similar nature. It is submitted that considering the nature of crime, custodial interrogation of the present applicant is necessary.

7. I have perused the papers of investigation. The fact that the applicant is the owner of the room in question is not disputed. The applicant is involved in one more crime of similar nature. Considering the overall facts and circumstances, I am not inclined to release the applicant on anticipatory bail. The application is rejected.

[N.R.BORKAR, J.]