

Harish (P A)

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

ANTICIPATORY BAIL APPLICATION NO. 1453 OF 2026

Azim Karim Shaikh

...Applicant

V/s.

State Of Maharashtra

...Respondent

Mr. Narayan G. Rokade a/w Mrunmai Rokade, Siddharth Ghodke, Ramchandra Wagh, Swapnil Kalokhe, for the Applicant.

Mr. Vinit A. Kulkarni, APP for the Respondent – State.

PSI, Mr. Raju Palawe, Palghar Police Station, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 11TH JUNE, 2026.

P.C. :-

1. Heard Learned counsel for the Applicant as well as learned APP, for the Respondents.
2. Apprehending arrest in Crime No. 287 of 2025 registered at Police Station, Palghar, the Applicant has filed the instant Application under Section 482 of the 'BNSS', seeking pre-arrest bail.
3. The offence is registered against the Applicant and

other persons under Sections 8(c), 20(b), and 20(b)(ii) of the 'NDPS' Act, 1985.

4. It is the case of the prosecution that on 24.11.2025 at 22:00 hours a raid was effected at a house situated at Gandhinagar, Palghar East and the main accused Ishak Kamaruddin Shaikh, was found present there. During search the contraband/Ganja being 1 Kilogram & 97 Gram was found which was kept below wooden caught. During investigation the name of this accused was revealed and his involvement became clear in view of the fact that this Applicant was knowing the accused No. 2 Toufik Ismaiel Sheikh since 2025 and further it was revealed that the contraband recovered in the present crime was sold by this Applicant to Mr. Toufik and in turn it was sold to the accused No.1.

5. Apprehending arrest the Applicant had filed an ABA No. 26 of 2026 before Sessions Court, Palghar, which came to be rejected by order dated 15.04.2026.

6. Learned counsel for the Applicant submitted that the

Applicant is falsely implicated in the crime and even though no contraband was found in his possession and even though he was not present at the spot, he is made as an accused person. Learned counsel for the Applicant also submitted that he has been implicated only on the basis of statement of co-accused and in absence of any direct connection, the applicant is entitled for pre-arrest bail.

7. Learned APP for Respondents opposed the Application and submitted that during investigation it is revealed that the Applicant has sold the contraband to the accused No.2, who in turn sold it to the accused No. 1. It is also submitted that the CDR secured by the Investigating Agency shows that the Applicant was in constant contact with the co-accused and after registration of offence against the co-accused, the Applicant was absconding. It is therefore, submitted that in view of the provisions of Section 37 of the 'NDPS' Act, the Applicant has failed to make out any case for Anticipatory Bail.

8. The instant Application under Section 482 of **BNSS** is

being considered in the light of the legal position as laid down by the Hon'ble Supreme Court, in the matter of *Mohammad Muslim alias Hussain Vs. State of NCT reported at 2023, (18) SCC 166*, with respect to grant of Anticipatory Bail in "NDPS" matters. It has to be noted that the role of this Applicant in the commission of offence has become clear during interrogation with the arrested accused persons. During investigation it has been revealed that the Applicant was knowing the Accused No.2, Toufik, since 2025, as he was selling contraband as per the demand. The investigation has shown that the contraband recovered in the present crime was sold by this Applicant to the accused No. 2 Toufik, who had in turn sold it to Accused No. 1. This apart, the Investigating Officer has stated that, he has secured CDR, showing that the Applicant was in contact with the co-accused persons. In view of this, considering the fact that the investigation in the matter is not completed, at this stage, it cannot be concluded that the Applicant has no connection at all with the crime in question.

9. It is also crucial to note that after the Application for

Anticipatory Bail was rejected by the Sessions Court, the Applicant had approached to this Court vide ABA No. 1084 of 2026, which was withdrawn by the Applicant and accordingly it was disposed of by order dated 28th April, 2026. Thus, it appears that the Applicant has withdrawn the earlier Application since this Court was not inclined to grant any relief and thereafter without there being, any change in circumstance, the Applicant has filed this fresh Application seeking Anticipatory Bail. Since the Applicant failed to demonstrate any change in circumstance, the fresh Anticipatory Bail Application need not be entertained on this count also.

10. After considering the entire contentions canvassed on behalf of the Applicant and the documents placed on record, I am of the opinion, that the Applicant has failed to make out any case and has not demonstrated any reasonable grounds for believing that the Applicants-accused is not guilty of the offence and hence by considering the purport of provisions of Section 37 of the '**NDPS**' Act, the instant Application deserves to be rejected.

11. For all the above mentioned reasons, the ABA is rejected.

(PRAFULLA S. KHUBALKAR, J.)