



CRIMINAL BAIL APPLICATION NO.1213/2026

**Mohd. Ashraf Shaida Vs.
State of Maharashtra Kalwa Police Station**

ORDER BELOW EXH. 1

1] The applicant **Mohd. Ashraf Shaida**, who is accused in C.R.No.255/2026 registered with Kalwa Police Station under Sections 8(c), 20 (b) (ii), 21(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 has filed this application for grant of bail. The applicant is in jail from 19.05.2026.

2] From the F.I.R. the prosecution story is as under :-

On 08.05.2026 at about 1.00 p.m. at Kharegaon, Toll Plaza, Thane, accused Firoz Khan was found in possession of 3.20 Kilograms Charas and 1626 strips (12984 capsules) of SPASMO-PROXYVON R-PLUS for the purpose of illegal sale and therefore after due compliance F.I.R. was registered and accused was arrested. During investigation on the statement of accused Firoz Khan, present applicant was arrested.

3] The Ld. Advocate for applicant submitted that the applicant is innocent. There is non compliance of Sections 42 and 50 of NDPS Act. Nothing has been recovered from or at the instance of present applicant. Therefore, rigor of Section 37 of NDPS Act will not be applicable. The present applicant has been

implicated solely on the basis of statement of co-accused and an unverified reference to the name “Ashraf” in the F.I.R. The applicant is resident of Mumbai. He is businessman and has no concern with the alleged crime. For sufficient time he is in jail. No purpose would be served by keeping in jail. He is ready to abide by any conditions imposed by this Court. Hence, she prayed to grant bail. In support of her case she has relied on case law - (i) **Sangeeta Y Gaikwad Vs. State of Maharashtra LAWS(BOM)-2006-8-14**, (ii) **Sankili Pandi D Vs. The State of A.P. Criminal Petition No.6674/2026 dated 11.08.2026**.

4] The Ld. DGP and I.O. had strongly resisted this application by filing Say Exh.5. According to Ld. DGP offence is of serious nature. Co-accused was found in possession of 3 Kg. 048 grams charas and 1626 strips (12984 capsules) of SPASMO-PROXYVON R-PLUS for the purpose of illegal sale and the applicant has supplied it from time to time to co-accused. The quantity of seized contraband is commercial. The applicant is resident of Jammu and Kashmir. If bail is granted to him, he will abscond, he will pressurize the witnesses and commit similar type of offence. Therefore, his application be rejected.

5] In this case, record indicates that co-accused Firoz Khan was found in possession of 3 Kg. 048 grams charas and 1626 strips (12984 capsules) of SPASMO-PROXYVON R-PLUS which is commercial quantity. The applicant is supplier of said contraband. The police papers indicate that applicant has regularly supplied contraband to accused No.1. The investigation is going

on. According to Ld. Advocate for applicant police have randomly caught applicant as his name is “Ashraf” and in investigation that name was revealed from co-accused. However, the applicant is not from Jammu and Kashmir and he is resident of Mumbai and doing business. To support her contention she has filed copy of Leave and License Agreement. If those copies are perused in that Leave and License Agreement, the address of applicant is given at Jammu And Kashmir. Therefore, this in fact fortifies the claim of Investigating Officer that the Ashraf as stated by co-accused is applicant himself. Further, Ld. Advocate has relied on **Sangita Gaikwad** supra, in that case three accused were found in intermediate quantity of contraband individually. However, their joint quantity was commercial quantity. In this case only in possession of accused No.1 huge quantity of which the price is more than three crores was found and therefore that authority is not applicable to the present case. Further in case of **Sankili** cited supra the allegation against the petitioner was he was found in possession of 6.5 Kgs of ganja. This quantity is intermediate quantity and therefore bail was granted by Hon’ble High Court. In this case as observed above huge commercial quantity of contraband was found and hence the authority is not applicable to the present case.

6] Lastly, the Ld. Advocate has also pointed out that in this case, this Court has granted anticipatory bail to three accused persons and therefore on ground of parity this application may be allowed. After perusal of record it is seen that the three applicants who were mere workers and labours employed in the medical shop

of accused No.4 were granted such relief. In that application the I.O. was present and he had stated that till that date those workers were not made accused in this crime and their statement was recorded by him. On that basis the anticipatory bail was granted by this Court in Criminal Bail Application No.1030/2026 vide order dated 22.07.2026. The role of applicant is different from those applicants. Therefore, parity cannot be extended to the applicant. The investigation is going on. Some of the accused persons are still absconding. If at this stage applicant is granted bail then there are chances that he might abscond, hampering the on going investigation. Hence, following order :-

ORDER

1. Criminal Bail Application No.1213/2026 stands rejected.
2. The copy of this order shall be sent to the Jail through E-mail and the concerned Jailer is directed to supply the copy of this order to the applicant / accused.
3. Inform concerned Jailer accordingly.
4. Criminal Bail Application No.1213/2026 is disposed of accordingly.

Thane.
Date : 12.08.2026

(M. S. Lone)
Special Judge,
Under NDPS Act, Thane.