

MHCC020050022026



IN THE COURT OF THE SPECIAL JUDGE FOR N. D. P. S. CASES
AT GREATER MUMBAI

NDPS SPECIAL CASE NO.611 OF 2026

Samir Najim Shaikh

Age : 24 years, Occupation : Driver,

R/o.: Room No.101, 1st floor,

Vindeshwari Building, Dharavi,

Mumbai – 400 017.

... Applicant

- VERSUS -

The State of Maharashtra

(Through Anti Narcotic Cell,

Worli Unit vide Cr. No.12/2026)

... Respondent/
Prosecution

Appearance :-

Mr. Tasawwar Shaikh, Advocate for applicant/accused.

Mr. B. G. Rajput, Ld. A. P. P. for respondent/State.

CORAM : H. H. THE SPECIAL JUDGE (N. D. P. S.)
SHRI. S. S. DESHPANDE,
(COURT ROOM NO.44), GR. MUMBAI.

DATE : 11/08/2026.

ORDER BELOW APPLICATION EXHIBIT-3 :

. This is an application for regular bail filed by the applicant Samir Shaikh, who is arrested for the offence punishable under Section 8 (c) read with Section 20 (b) of The Narcotic Drugs and Psychotropic Substances Act (hereinafter referred as 'Act' for the sake of brevity).

2] It is case of the prosecution that on 4/2/2026 at about 23:30 hours at Kastur Mahal building the officials of Anti Narcotic Cell, found a person in suspicious manner. From his personal search, in presence of panchas, he was found in possession of 1 Kg 541 Gms. ganja. All the due procedure under Section 50 of the Act is duly followed. The said suspected person disclosed his name as Samir Najim Shaikh i.e. the applicant. First information report came to be registered on the basis of the complaint lodged by PHC Nitin Jadhav in respect of the said incident on the strength of the aforesaid complaint offences under Section 8 (c) read with Section 20 (b) of the Act came to be registered.

3] Learned advocate for the applicant has submitted that the applicant has falsely been implicated in the aforesaid crime. He is completely innocent and has not committed the alleged offence. The raiding party has not followed the mandatory provisions of Section 50 the Act. The entire process of seizure and panchanama relied upon by the prosecution are completely doubtful. No evidence such as mobile phone record, or any transaction, or any incriminating material has been recovered by the investigating agency. It is further urged that the investigation into the crime is already completed. The applicant has fixed place of abode and as such there is no likelihood of his absconding. There are no antecedents to his credit. The property involved in the crime is already recovered. Mainly, on these grounds, it is prayed for enlarging the applicant on bail by imposing conditions.

4] Learned A. P. P. opposing the prayer relied upon the reply filed by the Investigating Officer has reiterated all the grounds. During the course of arguments it is submitted that in case, the applicant is

enlarged on bail, he may destroy evidence collected by the investigating agency and may assist co-accused by helping them to become abscond. The prosecution witnesses may be pressurized at his instance. There is every possibility that he may involve in criminal activities. Hence it is prayed to reject the application.

5] I have given anxious and thoughtful consideration to the arguments advanced at bar. Admittedly, the applicant is arrested on the date of alleged incident on 5/2/2026 in respect of alleged incident of possession of contraband i.e. ganja of intermediate quantity of 1 Kg 541 Gms. As such, it is amply clear that the rigors of Section 37 of the Act are not attracted in the instant case.

6] It is an admitted fact on record that the investigating agency has not claimed that the applicant is involved in any other offence of similar nature at any point of time. There is no evidence collected by the investigating agency, nor established any monetary transaction, or telephonic communication, nor established any nexus with any other person about possession of the alleged contraband with him.

7] As the investigation into the crime is already completed, no purpose is likely to be served by continuing detention of the applicant behind the bars for an indefinite period. As the charge-sheet is filed recently, there is no possibility of commencement of the trial and conclusion thereof in short span of time. Therefore, in these set of facts and circumstances, as no purpose by continuing his incarceration is likely to be served, the applicant has made out case for his enlargement on bail. Hence the order :-

ORDER

- 1] Bail application exhibit-3 is hereby allowed.
- 2] Applicant/accused Samir Najim Shaikh be enlarged on bail on executing P. B. and S. B. of Rs.50,000/- in crime No.12/2026 registered with Anti Narcotic Cell, Worli Unit, Mumbai for the offence punishable under Sections 8 (c) read with Section 22 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 be with one or two sureties of the like amount, on the following conditions :-
 - a) He shall not misuse the liberty. He shall not involve himself in any criminal activities,
 - b) He shall not make any attempt to tamper prosecution evidence or witnesses, in any mode or manner,
 - c) He shall furnish his permanent residential address and mobile number to the Investigating Officer,
 - d) He shall attend each and every date of hearing without fail and shall assist this Court in expeditious disposal of the case,
 - e) He shall not leave India without prior permission of this Court.
- 3] Breach of any of the conditions, if any, may entail in cancellation of bail.

Date : 11/08/2026.

(S. S. DESHPANDE)
Special Judge (N.D.PS.),
City Civil & Sessions Court,
Court Room No.44, Gr. Bombay

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
14/08/2026	06:50 p.m.	V. V. Kulkarni
UPLOAD DATE	TIME	NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H. H. Judge Shri. S. S. Deshpande, Court Room No.44.
Date of Pronouncement of ORDER	11/08/2026
ORDER Typed on	12/08/2026
ORDER signed by P. O. on	13/08/2026
ORDER uploaded on	14/08/2026