

IN THE SPECIAL COURT FOR NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES ACT, 1985, AT GREATER
BOMBAY

ORDER BELOW EXHIBIT-03 (BAIL APPLICATION)

IN

SPECIAL CASE (N.D.P.S.) NO. 232 OF 2026
(CNR NO. MHCC02-002173-2026)

The State of Maharashtra,
(Anti Narcotics Cell, Worli Unit, Mumbai)

... Complainant

Versus

Iqbal Mohd. Ali Shaikh

... Accused No.6

Appearance :-

Ld. Additional Public Prosecutor Mrs. Sulbha Joshi for Complainant.

Ld. Advocate Mr. Kamlesh Satre for accused No.6

CORAM :- HH THE SPECIAL JUDGE (N.D.P.S.)
& ADDITIONAL SESSIONS JUDGE,
ARVIND MANOHAR BHANDARWAR
(COURT ROOM NO.42)

DATE :- 02nd April, 2026

(O R D E R)

(Dictated and pronounced in the open Court)

The Applicant/accused no.6 namely **Iqbal Mohd. Ali Shaikh** has filed present application under the provision of Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) seeking regular bail in Crime No. 95 of 2025 registered with Anti Narcotics Cell, Worli Unit, Mumbai for the offences punishable under section 22(c) and 29

read with Section 8(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred as the N.D.P.S. Act).

2. I have gone through the application filed by accused no.6, namely **Iqbal Mohd. Ali Shaikh** to release him on bail. I have not reproduced the contents of the bail application and considered the grounds of bail and prosecution story mentioned in the application.

3. I have gone through the reply filed by prosecution at **Exhibit-03/A**.

Grounds for Bail :-

4. It is the case of the applicant that he is innocent and has been falsely implicated in the present matter. It is narrated that the allegations made against him are totally false and baseless, and no contraband has been recovered at his instance. It is contended that the bar under Section 37 of the NDPS Act is not attracted, as the applicant has not been found guilty, and the grant of bail does not in any way interfere with the police's right to continue investigation.

5. It is further submitted that the prosecution case suffers from gross violation of Section 52A of the NDPS Act, making the entire case unreliable. It is narrated that the samples drawn are not in consonance with statutory provisions, thereby rendering the FSL report inadmissible. It is contended that prima facie no case is made out against the applicant, as no incriminating material has been recovered, and the respondent has failed to prove any connection between the applicant and co-accused.

6. It is submitted that the applicant has not been found in

possession of any contraband, nor is there any evidence of abetment or conspiracy under Section 29. Reliance is placed on *Maksud Ahmad v. State of Maharashtra* (APL No. 94/2019, decided on 04.08.2021), where the Bombay High Court held that implication based solely on the statement of co-accused, without recovery or discovery at the applicant's instance, is inadmissible. It is narrated that confessional statements recorded under Section 67 of the NDPS Act are barred under Section 25 of the Evidence Act, and cannot be used against the applicant.

7. It is further submitted that for Section 54 of the NDPS Act to apply, the prosecution must first prove possession beyond reasonable doubt. Reliance is placed on *Balwinder Singh (Binda) -Vs- The Narcotics Control Bureau* (Crl. Appeal No. 1136/2014, decided on 22.09.2023), where the Court emphasized that possession must be established before the burden shifts to the accused. It is narrated that in *Amar Singh Ramjibhai Barot v. State of Gujarat* (2005) 7 SCC 550, the Supreme Court held that mere association without evidence of conspiracy cannot sustain prosecution under Section 29.

8. It is contended that personal liberty under Article 21 cannot be curtailed merely on the basis of inadmissible statements. Reliance is placed on *Sarwan Singh Rattan Singh v. State of Punjab* (AIR 1957 SC 637), where the Supreme Court held that there is a vast difference between "may be true" and "must be true."

9. It is further submitted that the applicant is a permanent resident of Mumbai, residing with his family, with no apprehension of absconding or tampering with witnesses. He has no antecedents, no role in the commission of the offence, and is arraigned only on the basis of

inadmissible statements of co-accused.

10. It is therefore prayed that this Hon'ble Court be pleased to enlarge the applicant on bail, as there is no evidence of possession, conspiracy, or involvement in illicit trafficking, and the prosecution case suffers from serious procedural infirmities and reliance on inadmissible evidence. The applicant undertakes to abide by all conditions imposed by this Hon'ble Court.

11. Heard learned Advocate Mr. Kamlesh Satre for accused no.6 namely **Iqbal Mohd. Ali Shaikh** and Ld. Additional Additional Public Prosecutor Mrs. Sulbha Joshi for Complainant/State.

12. Having gone through the application following points are framed for consideration and answered the same for the reasons to follow :-

Sr. No.	POINTS FOR DETERMINATION	FINDINGS
1.	Whether accused no.6 namely Iqbal Mohd. Ali Shaikh is entitled to bail ?	In the Affirmative
2.	What order ?	As per final Order, application is hereby allowed.

As to Point Nos. 1 and 2 :-

13. It is the case of prosecution that while patrolling near Bhakti Park, Wadala, Mumbai on 13 November 2025, the Anti-Narcotics Cell intercepted three persons and narcotic substance was recovered from accused Shahbaz Mehmood Khan, 40 grams of methamphetamine valued at ₹10,00,000 was seized; from accused Sarfaraz Zahid Hussain

Qureshi alias Pappi, 110 grams valued at ₹27,50,000 was seized; and from accused Salman Salim Sheikh, 200 grams valued at ₹50,00,000 was seized. The total seizure amounted to 350 grams worth ₹87,50,000. During investigation, accused Salman Salim Sheikh disclosed that the drugs were supplied by his brother-in-law Shamim Ahmed Zahid Ali Chaudhary. Shamim was arrested on 15 November 2025 and revealed that he had procured the drugs from Jayaprakash Devdutt Bhatt alias Jitu. Jayaprakash was detained on 17 November 2025 and arrested on 18 November 2025, admitting that he had sourced the drugs from Arif Nasir Sheikh alias Arif China, Iqbal Mohammad Ali Sheikh, and Asif Sheikh. Subsequently, Iqbal Mohammad Ali Sheikh, already in judicial custody in another NDPS case, was taken into custody on 27 November 2025 and arrested in connection with this crime. The search for Arif Nasir Sheikh alias Arif China, Asif Sheikh, and Hasan Sheikh is ongoing.

14. Accused Iqbal Mohammad Ali Sheikh was found to have 13 prior criminal cases registered against him under Dharavi and Sakinaka Police Stations, including multiple offences under the NDPS Act and IPC. A charge sheet has been filed and registered as NDPS Special Case No. 232/2026. Subsequently, the police arrested the wanted accused Hasan Suleman Sheikh and Mohammad Asif Nasir Sheikh on 14 February 2026, and both are presently in judicial custody. The investigation revealed that accused Iqbal Mohammad Ali Sheikh had sold and supplied methamphetamine to accused Jayaprakash Bhatt on behalf of the supplier Arif Nasir Khan alias Arif China.

Discussion :-

15. Accused no.6 namely **Iqbal Mohd. Ali Shaikh** has filed the

present application to released him on bail. Advocate for accused no.6 submitted that, nothing was seized from the possession of accused no.6, therefore submitted that he be released on bail. It is further contended there is no evidence to connect the accused no.6. Accused no.6 was arrested only on the basis of statement of co-accused. He has place reliance upon a case in Mohd. ***Firoz Abdul Shakur Sayed -Vs- The State of Maharashtra*** (Bail Application No. 609 of 2025, Order dated 02-04-2025) and submitted that no recovery was made, hence, entitled to be released on bail.

16. Learned Additional Public Prosecutor for State has strongly opposed the application and contended that on the disclosure prayed by accused no.5, the accused no.6 was arrested. There is a chain and total 13 offences are registered against the present accused no.6. Therefore, contended that there are criminal antecedent and accused is not entitled to be released on bail.

17. Heard both sides. In the present case it is true that the contraband was not seized from the possession of accused. However, record shows that total 13 offences are registered against the present accused. At the same time, it is to be seen whether registration of offences itself can be a ground of rejection of the bail. Admittedly nothing was seized from the possession of accused no.6. Under such circumstances merely for the reason that offences are registered can not be a ground to reject the bail application. However, considering the nature of offence stringent conditions need to be saddled. Thus as nothing was recovered from the possession of accused no.6, this Court is of the opinion that accused no.6 is entitled to be released on bail.

18. Considering the aspect and based on the circumstances of

the present case, this Court is of the view that, the present accused no.6 namely **Iqbal Mohd. Ali Shaikh** is entitled to bail. Accordingly, by imposing stringent conditions, accused can be released on bail. The necessary conditions can be imposed to secure the presence of the accused. In result, I answered the Point No.1 in the affirmative and I proceed to pass the following order :-

ORDER

1. Application Exhibit-03 in Special Case N.D.P.S. No. 232 of 2026 is hereby allowed.
2. Accused no.6 namely **Iqbal Mohd. Ali Shaikh**, Age 36 years, Resident of Bhagatsingh Nagar Zopadpatti, Kumbharwada, Subhash Nagar, near TATA Power, Dharavi, Mumbai, be released on bail on executing **Personal Bond of Rs. 75,000/- (Rupees Seventy Five Thousand only)** with one or two solvent sureties in the like amount in connection with Crime No. 95 of 2025 registered with Anti Narcotics Cell, Worli Unit, Mumbai for the offences punishable under section 22(c) and 29 read with Section 8(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred as the N.D.P.S. Act).
3. In addition to that, the accused is further directed to deposit **Rs. 75,000/- (Rupees Seventy Five Thousand only) towards cash security.**
4. The accused shall provide his working mobile numbers, E-mail ID alongwith present and permanent address. The accused to submit documents in support of his permanent and present address.
5. The accused shall surrender his Passport, if he possess and not

seized earlier, with this Court.

6. The accused shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the Court.
7. The accused shall attend the hearing before this Court regularly and promptly.
8. The accused shall not indulge in offence of like nature after releasing on bail.
9. The accused shall not leave the jurisdiction of this Court without prior permission of this Court.
10. The accused to abide by all the terms and conditions and on failure would entail for cancellation of bail.
11. Any infraction of the aforesaid conditions shall entail cancellation of bail and he will be liable to be taken into custody immediately.
12. Application Exhibit-03 stands disposed off accordingly.
13. The order is digitally signed; hence, it be uploaded on Case Information System (CIS) and the printout of the digitally signed order, additionally signed by me, be kept on record as the physical record is maintained by the Court.

(Arvind M. Bhandarwar)
Special Judge (N.D.P.S.) and
Additional Sessions Judge,
Court Room No.42
City Civil & Sessions Court,
Greater Mumbai.

Date :- 02-04-2026

<u>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</u>		
Upload Date	Upload Time	<u>Name of the Stenographer</u>
06-04-2026	06:05 p.m.	Mr. Jitesh Suresh Shinde, Stenographer (Grade-I)
Name of the Judge (With C.R. No.)		H.H.J. ARVIND MANOHAR BHANDARWAR (COURT ROOM NO.42)
Date of Pronouncement of JUDGEMENT /ORDER		02-04-2026
JUDGEMENT /ORDER signed by P.O. on		06-04-2026
JUDGEMENT /ORDER uploaded on		06-04-2026