

MHCC020111142026



**IN THE SPECIAL COURT FOR NARCOTIC DRUG AND
PSYCHOTROPIC SUBSTANCES ACT, 1985, AT GR. BOMBAY**

BAIL APPLICATION NO. 710 of 2026

IN

REMAND APPLICATION NO. 1039 OF 2026

Sultan Babumiya Sardar,	]	
Age: 36 years, Occu.: Nil	]	
R/at: Laxmi Chawl, Gaondevi	]	
Temple, Ali Talao, Kharodi, Marve	]	
Road, Malvani, Malad (W),	]	
Mumbai- 400095.	]	Applicant/accused

Versus

The State of Maharashtra,	]	
At the instance of Malvani Police	]	
Station, Mumbai.	]	
(Crime No. 1150 of 2026)	]	Respondent/ State

Appearance :-

Ld. Adv. Mr. Dipak Sawant for the applicant/accused

Ld. APP. Mr. S. S. Panjawani for the Respondent/State.

**CORAM : UMESH K. SORTE,
SPECIAL JUDGE, NDPS,
(C.R. No. 47)**

DATE : 12th August 2026

ORDER

. The applicant/accused, Sultan Babumiya Sardar, has filed

the present application under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS") seeking bail in connection with Crime No. 1150 of 2026 registered with Malvani Police Station, Mumbai for the offence punishable under Sections 8(c) and 21(b) of the of Narcotic Drug and Psychotropic Substances Act, 1985 (in short "NDPS Act").

2. Heard learned advocate Mr. Dipak Sawant for the applicant and learned APP Mr. S. S. Panjawani for the State. Read application and say filed by the prosecution.

Brief facts of the case of prosecution:

3. The prosecution case is that on 04.07.2026, at around 08:44 p.m, the informant, PC Kalidas Khude, PSI Londhe, HC Shaikh, PC Shaikh, PC Desai and PC Gawade were on patrolling duty within jurisdiction of Malvani Police Station. While patrolling, at about 21:15 p.m., they noticed the applicant in suspicious condition, sheltered by the wall one of the lanes of Laxmi Chawl, Gaondevi Mandir Road, Rathodi, Malvani, Malad (W) Mumbai. The police noticed that the applicant was hiding something behind him. On inquiry, he tried to flee from the spot, but the police apprehended him. The police seized contraband heroin of 10.54 grams from the transparent plastic bag found in the possession of the applicant. He was arrested on 04.07.2026.

Submissions on behalf of the applicant:

4. The learned advocate for the applicant submitted that the applicant is innocent and has been falsely implicated in the present crime. The accused has no connection with the alleged offence. The

entire alleged contraband, i.e. 10.54 grams of heroin, has already been recovered. Therefore, no purpose would be served by keeping the accused in custody. The investigation is substantially completed. The further investigation, if any, can be carried out without custodial interrogation of the accused. No co-accused is required to be arrested. The accused is a permanent resident and is an earning member of his family. His family is dependent upon him. He is ready to furnish proof of his residence and the residence of his relatives to secure his presence. He will not tamper with the prosecution evidence or influence any prosecution witness. He is ready to cooperate with the investigation. He will attend Malvani Police Station as and when called by the Investigating Officer. Therefore, the learned advocate prayed that the applicant be released on bail.

Submissions of the prosecution:

5. Per contra, the learned APP strongly opposed the application and submitted that the alleged offence is of a serious nature. The applicant was found in illegal possession of 10.54 grams of heroin worth about Rs.3,16,200/-. He was possessing the contraband for sale. He has a previous criminal record. Therefore, there is a possibility of repetition of such offences. If released on bail, there is a strong likelihood that he may abscond, tamper with the prosecution evidence, influence witnesses, or commit similar offences, thereby adversely affecting the course of investigation and trial. Therefore, the learned APP prayed for rejection of the bail application.

Considerations and findings:

6. I have carefully considered the rival submissions and

perused the record. The offence under Section 8(c) and 21(b) of the NDPS Act pertains to the contravention involving an intermediate quantity of a psychotropic substance. Upon conviction, it is punishable with rigorous imprisonment for a term which may extend to ten years, and with a fine which may extend to one lakh rupees.

7. The police seized contraband heroin from the transparent plastic bag found in the possession of the applicant. The total quantity of heroin seized from the accused was 10.54 grams. The applicant was arrested on 04.07.2026. He is directly involved in the offence of drug trafficking.

8. The learned advocate for the applicant submitted that the applicant has only one criminal antecedent. The affidavit filed in support of the bail application also discloses present crime. However, the prosecution has pointed out following criminal antecedents against the applicant and has placed the details on record in the remand application as under:

Sr. No.	Crime No.	Name of the Police Station	Punishable under Section(s)
1.	23/2008	Malvani	324, 323, 506 (2) r/w. 34 of Indian Penal Code r/w Sections 4 and 25 of Arms Act r/w Section 37 (1) and 135 of the Maharashtra Police Act.
2.	53/2008	Malvani	Section 122 of Maharashtra Police Act.
3.	519/2016	Malvani	Section 141, 143, 145, 147, 149, 452, 427 of Indian Penal Code.
4	971/2021	Malvani	Section 307, 326, 324, 323, 506 (2),

			504, 141, 143, 145, 147, 149, 427 of Indian Penal Code r/w Section 4 and 25 of the Arms Act.
5	319/2022	Malvani	Section 142 of Maharashtra Police Act.
6	1228/2022	Malvani	Section 506 (2), 509 and 504 of the Indian Penal Code
7	1502/2023	Malvani	Section 142 of the Maharashtra Police Act.
8	1423/2024	Malvani	Section 142 of the Maharashtra Police Act.
9	1374/2025	Malvani	Section 8(c) read with Section 21(a) of the NDPS Act.
10	94/2009	Kandivali	Section 325, 323, 504, 506 (2) read with section 34 of the Indian Penal Code.
11	304/2018	Kandivali	Section 307,506 (2), 34, 143, 145, 147, 148, 149, 452, 427 of the Indian Penal Code r/w Sections 4 and 5 of the Arms Act r/w Section 37 (1) and 135, of the Maharashtra Police Act.

Thus, the submission of the applicant is not correct. It appears that the applicant has suppressed the true facts regarding his criminal antecedents. The illegal activities of the applicant have serious adverse consequences on society, particularly on the younger generation, who are vulnerable to drug addiction. Abuse of psychotropic substances destroys the physical and mental health of individuals, disrupts family life, disturbs public order, and adversely affects social harmony. The increasing availability of such drugs also contributes to the involvement of minors and young persons in criminal activities. Therefore, it is necessary, in the larger public interest, to prevent the applicant from continuing such illegal activities.

9. The investigation is still in progress. Upon conclusion of a detailed investigation, the nature of the allegations against the applicant may change or remain unchanged. However, in view of non-completion of investigation and non-filing of the charge-sheet, there appears no justifiable ground to grant bail to the applicant. Having regard to the aforesaid criminal antecedents against the applicant, the possibility of committing a similar offence again, if released on bail, cannot be ruled out.

10. Considering the above facts and the prima facie material available on record, nature and gravity of the offence, the quantity of the contraband involved, the role attributed to the accused and criminal antecedents, I am of the view that releasing the accused on bail at this stage would be prejudicial to the interest of society. Thus, I am not inclined to exercise the discretionary relief of bail. Hence, I pass following order:

ORDER

1. The Bail Application No. 710 of 2026 is rejected.
2. The Bail Application No. 710 of 2026 is disposed of accordingly.

Sd/-

(UMESH K. SORTE)

Special Judge (NDPS) and
Additional Sessions Judge,
Court Room No. 47

City Civil and Sessions Court,
Gr. Bombay.

Date : 12.08.2026.

Dictated directly on Computer : 12.08.2026
Checked on : 12.08.2026
Singed on : 12.08.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
UPLOAD DATE	TIME	STENOGRAPHER NAME
12.08.2026	05.50 p.m.	Ms. Ujwala J. Bhagat

Name of the Judge	H.H.J. U.K. Sorte (Court Room No.47)
Date of pronouncement of Order	12.08.2026
Order signed by P. O. on	12.08.2026
Order uploaded on	12.08.2026