

MHCC020058942026



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

BAIL APPLICATION NO. 371 OF 2026

Rahidul Jabbar Miya

.. Applicant/accused

Versus

The State of Maharashtra

(At the instance of Pydhonie Police
Station vide Crime No.247 of 2026)

.. Respondent/Prosecution

Appearance :-

Ms. Smita Waghlikar, Advocate for applicant/accused
Mr. Shankar Erande, APP for State/Respondent.

**CORAM : NIKHIL P. MEHTA, SPECIAL JUDGE
COURT ROOM NO.43**

DATE : 11th JUNE, 2026

ORAL ORDER

Applicant/accused **Rahidul Jabbar Miya** has filed this application for his release on bail in connection with Crime No.247 of 2026 registered with Pydhonie Police Station for offence punishable under section 8(c) read with section 21(b) of the NDPS Act, 1985.

02. In nutshell, case of the prosecution is that, during the night patrolling duty of 10.03.2026, at 22.15 hours, the officer of Pydhonie

police station noticed accused near Times of India Building, Delhi Stand, Masjid Bunder - East, Mumbai and was found hiding in a suspicious manner. Therefore police apprehended him. During his personal search in presence of panch witnesses, brown coloured substance called as Gard of 6.89 grams was found in the right pant pocket of accused. Said narcotic was seized, sealed and labelled as per the mandatory provisions of the NDPS Act, 1985 and applicant/accused came to be arrested.

03. Applicant/accused submitted that he is innocent and has been falsely implicated in the instant matter. There is a recovery of 6.89 grams of contraband alleged to be 'Gard' at his instant and same is of intermediate quantity, hence the rigors of section 37 of the NDPS Act 1985 are not attracted. Accordingly, applicant prayed for his release on bail.

04. Prosecution strongly opposed the application by filing reply at **Exh.02** by contending that if accused is released on bail he may commit such type of offence and may pressurize the prosecution witnesses. Wanted accused are yet to be arrested. Accordingly, prosecution prayed for rejection of the bail application.

05. Heard both sides at length.

06. Learned APP for the State has objected to release of applicant/accused on bail on the ground that on his release, applicant/accused may again indulge in activity of drug trafficking.

07. Learned Advocate for applicant/accused has contended that the applicant is found in possession of non-commercial quantity, the rigors of section 37 of the NDPS Act are not applicable and he is liable to be released on bail. There are no criminal previous antecedent to the discredit of accused.

08. Having regard to the case papers, admittedly accused was found in possession of narcotic of intermediate quantity which was little above small quantity as specified by Central Government notification. The Hon'ble Supreme Court in the case of **Birbal Prasad Vs. State of Bihar, (2018) 11 Supreme Court Cases 488** was pleased to held that accused was found in possession of non commercial quantity narcotic and that, he was not involved previously in any other crime. On this ground, the Hon'ble Supreme Court released the accused on bail pending trial on certain conditions.

09. Having regarding to the provision of section 37 of the NDPS Act, only in cases where the seized narcotic is of commercial quantity, the rigors of said section comes into play. In the instant case accused was allegedly found in possession of intermediate quantity and that he is not having any criminal antecedent to his discredit. Therefore, this Court is inclined to grant him bail on terms and conditions stated as below.

ORDER

1. Bail Application **No.371 of 2026** is allowed.
2. Applicant/accused **Rahidul Jabbar Miya** be released on bail in connection with Crime No.247 of 2026 registered with Pydhonie police station on executing personal bond of Rs.50,000/-

(Rupees Fifty Thousand only) with one solvent surety in like sum.

3. Applicant/accused shall not tamper with prosecution evidence and threaten the prosecution witnesses.
4. Applicant/accused shall not abscond and shall cooperate the Court in expeditious disposal of the case.
5. Applicant/accused shall not commit any crime during his period of release on bail.
6. Applicant/accused shall provide contact number with Aadhar card of his two near relatives residing at Mumbai.
7. In absence of applicant/accused, his advocate shall undertake to cross examine the witnesses without disputing the identity of applicant/accused.

Date : 11.06.2026



(Nikhil P. Mehta)
Special Judge, N.D.P.S.
Court Room No.43,
City Civil & Sessions Court,
Gr. Bombay

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
11.06.2026	5.30 p.m.	Shilpa P. Pawar Stenographer (Grade-I)
Name of the Judge		H.H.J. Nikhil P. Mehta NDPS Spl. Judge (C.R.No.43)
Date of Pronouncement of Order		11.06.2026
Order signed by PO on		11.06.2026
Order uploaded on		11.06.2026