

MHCC020083112026



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

BAIL APPLICATION N.D.P.S. NO. 539 OF 2026

Sufiyan Liyakatali Khan

... Applicant/Accused

Versus

The State of Maharashtra,

(Sir J. J. Marg Police Station, Mumbai)

... Respondent

Appearance :-

Ld. Advocate Mr. Kamlesh Satre for Applicant/Accused.

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

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

DATE :- 04th June, 2026

(O R D E R)

(Dictated and pronounced in the open Court)

The Applicant/accused namely **Sufiyan Liyakatali Khan** 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.230 of 2026 registered with Sir J. J. Marg Police

Station, Mumbai for the offences punishable under section 21(b) 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 the applicant/accused, namely **Sufiyan Liyakatali Khan** 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-02**.

4. Heard learned Advocate Mr. Kemlesh Satre for applicant/accused namely **Sufiyan Liyakatali Khan** and Ld. Additional Public Prosecutor Mrs. Sulbha Joshi for Respondent/State.

5. 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 applicant/accused namely Sufiyan Liyakatali Khan is entitled to bail ?	In the Negative
2.	What order ?	As per final Order, application stands rejected.

As to Point Nos. 1 and 2 :-

6. Present application is filed by applicant/accused no.1 namely **Sufiyan Liyakatali Khan** and submitted that 2.21 Grams of alleged contraband Mephedrone (M.D.) was seized from the possession of the accused. The investigation is completed and Intermediate Quantity is involved in the case. Hence, prayed that accused be released on bail. It is further submitted that some antecedents are against the accused; however, merely for the reason that some offences are registered against the accused cannot be a sole ground for rejection of the bail application. Advocate for accused has placed reliance upon the case in ***Shamshad Fajlu Shaikh Vs. State of Maharashtra*** (Bail Application No.291 of 2026, Order dated 05-05-2026) and ***Irfan Ibrahim Shaikh Vs. The State of Maharashtra*** (Criminal Bail Application No.5039 of 2024, Order dated 16-04-2026) and prayed for grant of bail.

7. The Additional Public Prosecutor has filed reply at Exhibit-2 and strongly opposed the application. It is contented that even if the Intermediate Quantity is seized from the possession of the accused, there are antecedents against the accused. In three different cases of Mankhurd Police Station (F.I.R. No.01/2024), Tilak Nagar Police Station (F.I.R. No. 64/2025) and Shivaji Nagar Police Station (F.I.R. No.389/2024) The offences are registered against the accused for the offences under the NDPS Act. Despite registration of the offences against him, he has committed the present offence. Therefore, it is submitted that there is likelihood of committing the same type of offence again. Hence, prayed for rejection of the application.

8. I have gone through the reply filed by prosecution at

Exhibit-02. It is not in dispute that the charge-sheet vide Special Case N.D.P.S. No. 946 of 2026 is filed against the accused. It is further not in dispute that 2.21 Grams of Mephedrone (M.D.), which is an Intermediate Quantity is seized from the possession of the applicant/accused no.1 namely **Sufiyan Liyakatali Khan**. In general, in cases where Intermediate Quantity is involved, there is no hurdle to release the accused on bail. In the case at hand, the prosecution has pointed out that the accused Sufiyan Liyakatali Khan is involved in other cases. The F.I.R. number is specifically mentioned in the reply. Therefore, with the help of Case Information System (C.I.S.), the Court clerk was directed to see the pendency of F.I.R. as mentioned in the reply. It is notice that the offence vide Crime Number 01/2024 is registered against the accused **Sufiyan Liyakatali Khan** with Mankhurd Police Station for the offence punishable under Section 8(c) read with Section 22(c) and Section 29 of the NDPS Act. The present accused had moved a Criminal Bail Application No. 102 of 2024 in the said Crime No. 01 of 2024 and the same was allowed. The one of the condition no. (d) mentioned in the bail order is that ***“Applicant/accused shall not commit any criminal offence while on the bail.”***

9. It is further noticed that in another offence i.e Crime No. 64 of 2025 is registered with Tilak Nagar Police Station, C.I.S. Record shows that the present accused filed Bail Application N.D.P.S. No. 792 of 2025 and this Court, by order dated 12-08-2025, granted bail and specifically directed not to commit any offence of a similar nature.

10. The antecedents brought on record shows that despite earlier bail conditions, accused has floated the orders of the court and indulged in similar types of offence. This conduct reveals a deliberate

disregard and a conscious violation of the directions issued by the court. The purpose of granting bail is to safeguard the rights of accused with the interest of justice. However, misuse of liberty frustrate the rational behind granting bail. Therefore, unless the Court takes serious cognizance of such repeated violations and deals with them with a heavy hand, offenders will continue to exploit the leniency of bail provisions, thereby eroding the sanctity of judicial orders. Therefore, this Court is of the considered view that no case is made out for granting bail to the present accused. The application is therefore rejected. In result, I answered the Point No.1 in the Negative and I proceed to pass the following order :-

ORDER

1. Bail Application N.D.P.S. No. 539 of 2026 is hereby rejected.
2. Bail Application N.D.P.S. No. 539 of 2026 stands disposed off accordingly.
3. 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.

Date :- 04-06-2026

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

Date of Dictation : 04-06-2026

Date of Transcription : 04-06-2026

Date of signature : 04-06-2026

<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>
04-06-2026	03:26 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		04-06-2026
JUDGEMENT /ORDER signed by P.O. on		04-06-2026
JUDGEMENT /ORDER uploaded on		04-06-2026