

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

**ORDER BELOW EXH.75
(Bail Application)
IN
SPECIAL CASE NO.378 OF 2024**

Rehan Alam Sultan Ahmed Ansari

..Applicant/accused No.10

Versus

The State of Maharashtra
(At the instance of **Sakinaka**
police station)

.. Respondent/Prosecution

Appearance :-

Mr. Ayaz Khan, Advocate for applicant/accused
Mr. Shankar Erande, APP for State/Respondent.

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Name of the Police station /Agency	Sakinaka
Crime Number	787 of 2023
Offences registered against applicant/accused	Section 8(c) read with sections 22 (c), 25, 27(a), 29 of the NDPS Act read with section 3, 25 of the Indian Arms Act read with section 37(1), 135 of the Maharashtra Police Act.
Case Number	378 of 2024
Nature of Bail Application	Regular Bail U/sec.439 of CrPC
Date of Offence	08.08.2023
Date of arrest of the applicant/accused	24.09.2023
Date of filing of the charge-sheet	02.02.2024
Date of earlier bail application, if any	First Bail Application
Quantity of the contraband recovered	164 Kilo 172 grams of Maphedrone (MD)

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Exh.75 (BA) in
Spl. Case No.378/2024

**CORAM : R. K. DESHPANDE, SPECIAL JUDGE
COURT ROOM NO.43**

DATE : 04th AUGUST, 2026

ORAL ORDER

Applicant/accused **No.10 Rehan Alam Sultan Ahmed Ansari** has filed this application seeking regular bail in connection with Crime **No.787 of 2023** registered with **Sakinaka police station** for offence punishable under section **8(c)** read with sections **22 (c), 25, 27(a), 29** of the NDPS Act read with section **3, 25** of the Indian Arms Act read with section **37(1), 135** of the Maharashtra Police Act.

2. According to the applicant/accused that he is innocent and falsely implicated in the present case. Out of **20** accused arrested in the present case, some of the co-accused have been granted bail by this Court. Accused **No.2** and **9** have been granted bail by the order of the Hon'ble Bombay High Court. Moreover, co-accused Azhar Ansari, who was found along with present applicant, has been granted bail as per the order of the Hon'ble High Court. The alleged seizure from the applicant and co-accused Azhar Ansari, are independent seizures and have no connection with the other seizures. There appears to be a misjoinder of charges. The said seizures cannot be clubbed together and tried in one case. Material which is allegedly seized from the applicant and packed, is not produced before the learned Magistrate in same condition. There is delay of **12** days in sending the samples to FSL. The applicant has not been informed of his ground of arrest.

3. It is further contended by the applicant that there is no compliance of section **42** and **50** of the NDPS Act. The prosecution has produced different versions of section **42** of the NDPS Act, wherein one is contradicting the other. There is delay of more than one and half month in conducting proceeding under section **52(A)** of the NDPS Act. Since the date of his arrest on **24.09.2023**, he is in jail. Other co-accused whose case stands on same footing are released on bail. Therefore on the ground of parity he may also be released on bail. He will abide by all the terms and conditions as imposed by this Court. Accordingly, applicant prayed for his release on bail.

4. Investigating Authority through learned APP filed his reply and strongly opposed the application on the ground that in the present case in all **20** accused persons have been arrested. Total **164 kilo 172 grams of Maphedrone (MD)** amounting to **Rs.325 Crores, 55 lakhs, 10 Thousand (international market rate)**, have been seized and recovered from the accused. During the investigation, applicant came to be arrested and **7.78** kilo grams MD has been recovered from his possession. So also present applicant on the say of his relative i.e. accused No.**17** Amir Atik Shaikh/Khan, used to visit the manufacturing factory of narcotic drug MD, situated at Shindegaon, MIDC, Nashik of accused No.15 Lalit Patil. There applicant used to purchase the said contraband from accused No.**19** Abhishek Balkavde and accused No.**20** Bhushan Patil and he used to sell the said contraband to accused No.**11** Ajhar Asmat Ansari and accused No.**8** Arif Nasir Shaikh for **Rs.6 to 7 lakh per kilogram**.

5. It is further submitted that during the investigation, it also transpired that three gangs are active in present crime and the accused No.15 was running these gangs. Even international gang is also involved in this crime. If the applicant is released on bail then there is every possibility that he may indulge again in similar crime. Though charge-sheet is filed but investigation in respect of search of wanted accused who runs the narcotic factory, is going on. Hence, application is liable to be rejected.

6. Heard both sides. I have carefully gone through the record.

7. On perusal of record, it reveals to me that **08/08/2023** at around **5.50** hours in the morning, while patrolling when Sakinaka police team came near Targalli, Andheri Kurla Road, Sakinaka, Mumbai-**72**, they notice accused No.1 Anwar Afsar Sayyed, near Vijay Kabarstan. He was acting in a suspicious manner and he was holding black colour bag. Looking towards his suspicious activity, his search was taken by following due procedure under the NDPS Act. **10** grams of MD was recovered from the said black colour bag. Same was seized under the panchanama and he was arrested. During inquiry, accused No.1 disclosed that he has purchased the said MD from accused No.2 Javed Ayub Khan. Accordingly, trap was laid. Accused No.2 along with accused No.3 were came to be arrested. Accused No.2 was found with **60** grams of MD. Accused No.3 was found with **10** grams of MD and cash worth **Rs.3,00,000/-**. They both disclosed that they have brought the MD from accused Arif China, Sunder Shaktivel, Hasan Shaikh and Aayb Abdul Sayyed. During the course of investigation, in all **20**

accused persons including present applicant as a co-accused have been arrested in the present case.

8. In respect of present applicant, record indicate that, it is the case of prosecution that, they received information that on **23/09/2023** a person by name i.e. accused Azhar @ Raju is likely to come at Shilphata Kalyan for transportation of Mephedrone. Accordingly, trap was laid by the police at the said spot. At 5.30 hours, accused Azhar came in white colour Chevrolet car bearing No. **MH-04-HN 2826** and stopped at another person i.e. present applicant. They were behaving in suspicious manner. Hence, they both were accosted by police. During their search, total **15.560** grams of MD was recovered from them i.e. **7 kg 780** grams of contraband each was recovered from each accused from the bag carried by them. Further, **200** grams of MD each was also recovered from the person of accused Azhar Ansari and applicant Rehan Ansari. The said narcotic drugs were seized under the panchanama and both accused were arrested.

9. It further reveals to me that total **164 kilo 172** grams of Mephedrone (MD) amounting to **Rs.325 Crores, 55 lakhs, 10** Thousand (international market rate) is involved in this crime. Samples of seized contraband recovered from the possession of respective accused as well as gun and 7 rounds cartridges, seized from the possession of accused were sent for FSL. The mobile extraction of Accused was done. After completing the investigation, Investigating officer has filed the charge-sheet.

10. On perusal of record it reveals to me that applicant/accused alleged to have committed the offence punishable under section 8(c) read with section 22 (c), 25, 27(a) and 29 of the NDPS Act, which is punishable not less than 10 years but which may extend to 20 years and also with fine which shall not less than **Rs.1 lakh** about may extend to **Rs.2 lakh**.

11. On perusal of charge-sheet, most specifically the copy of seizure panchanama in addition to statement of witnesses, it reveals that applicant/accused was also playing the role of supplier cum seller of the seized contraband and he used to carry it for the purpose of sell. Alleged quantity of seized MD is more than commercial quantity seized from the accused. The role attributed to the applicant is not only extend to possessor, but he is also one of supplier cum seller of the contraband. Therefore, from the record, the role of the applicant is very much clear in commission of this crime.

12. There is no satisfactory ground to grant bail to the accused because prima facie there is a reason to believe that accused is guilty of the accused and he is likely to commit offence if released on bail. There is bar of section 37 of the NDPS Act to grant the relief of bail to the applicant because prima facie it reveals that huge quantity of commercial contraband of MD was manufactured by the co-accused and out of that, some of those was seized from him. Therefore, there are reasons to believe that applicant/accused has committed the offence. Twin test is applied in this case as the narcotic drugs seized is more than commercial quantity. Possession is conscious possession because applicant was knowing that he is in possession of MD manufactured by

co-accused. There is peculiar type of case in which accused selling the MD drugs.

13. During the course of argument, advocate for accused filed copy of bail order passed by Hon'ble Bombay High Court in Criminal Bail Application **393** of **2025**, dated **10.04.2026** and submitted that co-accused of this crime is already released on bail and on the ground of parity, he is claiming bail for the present applicant. Looking his submission, I have gone through the record. Here it is necessary to make it clear that in the case of *Sagar Vs. State of UP, 2025 SCC 2584*, decided on **28.11.2025**, while considering the ground of parity, Hon'ble Apex Court observed that, "parity cannot be a sole ground for granting bail to the co-accused specially cases including serious offence, gravity of offence, accused role, potential risk to the justice and other relevant factors". Here in the case in hand, no doubt co-accused is released on bail as per the order passed by the Hon'ble High Court, however looking the specific role played by applicant in this crime, being possessor and seller of seized contraband, in my opinion, applicant is not entitled for bail in this crime.

14. As mentioned above, the offence for which the applicant is charged is having severe punishment. So on the basis of prima facie material on record there exist reasonable ground to believe that applicant has committed the offence. At this stage, this court has to strike balance between public interest in the administration of justice and protection of individual liberty of applicant pending adjudication of the case. At this stage, there is no necessity to go into the detail analysis of the evidence as it may prejudicial to the trial. So looking the

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facts available on record coupled with the offence committed by the applicant, this is not a fit case to release the applicant on bail. Hence, with these words, I proceed to pass following order.

ORDER

Bail Application **Exh.75** in Special Case No.378 of 2024 stands rejected and disposed of accordingly.

Date : 04.08.2026



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

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“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
05.08.2026	4.40 p.m.	Shilpa P. Pawar Stenographer (Grade-I)
Name of the Judge		H.H.J. R. K. Deshpande NDPS Spl. Judge (C.R.No.43)
Date of Pronouncement of Order		04.08.2026
Order signed by PO on		05.08.2026
Order uploaded on		05.08.2026