

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

ORDER BELOW EXHIBIT NO.08

(Bail Application)

IN

SPECIAL CASE NO.2292 OF 2025

Mr. Shoeb Khan

.. Applicant/accused

Versus

Union of India

Directorate of Revenue

Intelligence, Mumbai Zonal Unit.

.. Respondent/Prosecution

Appearance :-

Mr. Subhash Pagaree, Advocate for applicant/accused.

Mrs. Geeta Nayyar, SPP for Respondent/prosecution.

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Name of the Police station /Agency	DRI, Mumbai Zonal Unit
Crime Number	DRI/MZU/C/INT-133/2025
Offences registered against applicant/accused	Section 8(c) read with sections 20(b), 23(b), 28, 29, 30, 35 and 54 of the NDPS Act.
Case Number	2292 of 2025
Nature of Bail Application	Regular Bail u/s.439 of CrPC
Date of Offence	13.09.2025
Date of arrest of the applicant/accused	13.09.2025
Date of filing of the charge-sheet	10.11.2025
Date of earlier bail application, if any	First Bail Application
Quantity of the contraband recovered	19.648 kg of Marijuana

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

DATE : 01st AUGUST, 2026

ORAL ORDER

Applicant/accused **Shoeb Khan** has filed this application for bail in connection with Crime bearing File No. **DRI/MZU/C/INT-133/2025** registered with **Directorate of Revenue Intelligence, Mumbai Zonal Unit**, for offence punishable under Section **8(c)** read with sections **20(b), 23(b), 28, 29, 30, 35 and 54** of the NDPS Act.

2. According to contention of applicant/accused, he is innocent and has been falsely implicated in this case. There is no material to establish conscious or exclusive possession of the contraband with applicant. There is no material to conclusive establish that the said baggage was in exclusive possession of applicant. Alleged contraband recovered in this case i.e. **19.648 kg of Marijauna** is **intermediate quantity** and therefore rigors of section **37** of the NDPS Act, is not applicable to the applicant. Co-accused Muhammed Madari, was granted bail by this Court. Investigation is completed and charge-sheet is filed in this case. He has no criminal antecedents to his discredit. He has cooperated in the investigation. His further detention in jail does not required. There is no possibility of his absconding. Accordingly, applicant prayed for his release on bail.

3. Intelligence Officer through learned SPP has filed his reply and strongly opposed the application by contending that applicant was aware that smuggling of Marijuana (Ganja) and other illegal drugs into

India attracts stringent punishment. Contraband recovered in this case is marginally below the notified commercial quantity of 20 Kg. Though, investigation in this case is completed and charge-sheet is filed, but wanted accused are yet to be arrested. Therefore, if the applicant/accused is released on bail he may flee and would not be available for trial. He may tamper the prosecution evidence relating to his smuggling activity. Accordingly, Prosecution prayed for rejection of the bail application.

4. Perused the record. Heard both sides at length.

5. Upon perusal of record, it reveals to me that, on the basis of specific input about carrying on narcotic substance by the applicant, the Officer of DRI on **13.09.2025**, has intercepted applicant/accused who was holding Indian Passport No.**S6876778** and arrived at CSMI Airport, Mumbai from Bangkok by Indigo Flight. Thereafter, by following procedure laid down under NDPS Act, personal search of the applicant was taken, however, **no** contraband was recovered from his personal search. But during the search of the trolley bag carried by applicant as Check-in baggage was taken, said trolley bag was found stuffed with **18** sealed packets. On cutting the said **18** sealed packets, it were found stuffed with greenish coloured substance purported to be **Marijuana (Ganja)** having strong pungent smell, were recovered from said trolley bag. Total net weight of Marijuana was **19648** kilograms. Accordingly, aforesaid contraband was seized under the panchanama. Applicant was arrested under the provisions of NDPS Act, **1985**.

6. During the course of argument, advocate for applicant submitted that accused is falsely implicated in this crime. Since date of arrest he is in jail. Accused No.2 Muhammad Safeer Madari, is already released on bail as per the order passed by this Court on **31.01.2026**. Moreover, after completion of investigation of this crime, charge-sheet is already filed before this Court. In such situation, looking the nature of crime, allegedly committed by applicant and keeping in mind number of witnesses cited by the prosecution, there is no possibility to earlier disposal of this case by conducting trial. Alleged contraband seized in this crime is intermediate quantity. In such situation, there is no justifiable ground to keep the accused behind the bar.

7. Advocate for applicant further submitted that applicant has no criminal antecedents. Once the charge-sheet has been filed against him there are remote chances of influencing witnesses or tampering with evidence. Rigors of section **37** of the NDPS Act, is not applicable in hand because the quantity which is seized by Investigating Officer is less than commercial, but more than small. So, by pointing out certain other facts, at last, learned advocate for applicant prayed for releasing the applicant on bail.

8. Per contra, SPP for the DRI strongly opposed the argument advanced on behalf of advocate for accused and submitted that accused has committed very serious nature of offence. In such situation, if he released on bail then possibility of fleeing away from trial cannot be rule out. At last, learned SPP for DRI opposed the present application.

9. In the light of submissions advanced before this Court, I have carefully gone through the record. It reveals that during investigation, Investigating Officer has seized **19648** kilograms of Marijuana (ganja) from the possession of accused and after completion of investigation of this crime, he has filed the charge-sheet before this Court. No doubt, the right of speedy trial is fundamental right guaranteed to the accused. Though the charge-sheet is filed but, charge is not framed in this case.

10. Having taken into consideration the submission advanced before this Court coupled with the facts and circumstances available on record, it is clear that alleged offence registered against the applicant is in respect of intermediate quantity and requires trial. So, this Court is of the considered opinion that this is the fit case to exercise discretion in favour of applicant/accused. In view of my above discussion, I inclined to allow the present application and proceed to pass following order.

ORDER

1. Bail Application (**Exh.8**) in Special Case No.2292 of 2025 is **allowed**.

2. Applicant/accused **Shoeb Khan**, be released on bail in connection with Crime bearing File No.DRI/MZU/C/INT-133/2025 registered with **Directorate of Revenue Intelligence, Mumbai Zonal Unit**, for offence punishable under Section **8(c)** read with sections **20(b), 23(b), 28, 29, 30, 35 and 54** of the NDPS Act, on executing P. R. Bond of **Rs.1,00,000/-** (Rupees One Lakh only) with one or two solvent sureties of like amount.

3. **In addition to execution of aforesaid bonds**, applicant shall deposit **Rs.25,000/-** (Rupees Twenty Five Thousand only) towards cash security before this Court.

4. Applicant shall not tamper with the prosecution evidence and witnesses in any manner.
5. Applicant shall not repeat similar nature of crime as well as any other crime in future.
6. Applicant upon being released on bail shall place on record of this Court his detail residential address and contact number with updates in case of any change from time to time.
7. Applicant shall surrender his passport, if any with Investigating Officer and shall not leave the jurisdiction of this Court without prior permission of this Court.
8. Applicant shall attend each and every date as directed till the completion of trial except applicant is exempted from his personal appearance by the order of this Court.
9. Applicant shall furnish two correct postal addresses along with the contact numbers of his two local and close relatives on record.
10. On failure to comply above conditions, Investigating Officer has liberty to approach this Court for cancellation of bail granted by this Court.
11. Applicant shall comply with Chapter-I, Paragraphs 1 to 6 of the Criminal Manual, 1980. (In view of order of the Hon'ble Bombay High Court passed in Criminal Application No.28 of 2010 in Public Interest Litigation No.25 of 2010 on January 29, 2020).
12. The soft copy of this order shall be sent to the applicant/accused by email through the concerned Jail Superintendent as per direction of The Hon'ble Supreme Court of India, in the case of In Re Policy Strategy for grant of bail in SMWP (CRIMINAL) No.4/2021 dated 31.01.2023.
13. Intimate to the concerned police station accordingly.

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14. With the above observations, application stands disposed of.

Date : 01.08.2026



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

Order

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“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
01.08.2026	1.10 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		01.08.2026
Order signed by PO on		01.08.2026
Order uploaded on		01.08.2026