

MHCC020106092024



IN THE COURT OF THE SPECIAL JUDGE FOR N.D.P.S. CASES

AT GREATER MUMBAI

BAIL APPLICATION (EXHIBIT-38)

IN

NDPS SPECIAL CASE NO. 1358 OF 2024

Shahnawaz Akhalaque Ahmed Shaikh,**Age:** 42 years, **Occ:** Business**R/at:-** Flat No.601, B-Wing, 6th Floor,

Habib Palace CHS Ltd.,

2nd Sankli Street, Mumbai – 400 008*....Applicant/Accused*

V/s.

The State of Maharashtra

(At the instance of ANC Bandra Unit,

Mumbai Vide C.R. No.7/2024)

*...Respondent***Appearance :-**

Ms. Reshma Kakade, Advocate for applicant/accused.

APP Mr. Panjwani for the State/respondent.

CORAM : THE SPECIAL JUDGE
Shri V. M. Sundale (C.R.21)**DATE :** 13.06.2025

ORDER

01. The present application is filed by the applicant, **Shahnawaz Akhalaque Ahmed Shaikh (Accused No.7)**, under Section 439 of the Code of Criminal Procedure, seeking regular bail in connection with Crime No.7 of 2024, registered with the Anti-Narcotics Cell (ANC), Bandra Unit, Mumbai, for offences punishable under Sections 8(c) read with Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “NDPS Act”).

02. In brief, it is the contention of the applicant that he has been falsely implicated in the case and that the mandatory procedural safeguards under the NDPS Act were not duly followed during investigation. The applicant states that he is a senior citizen with no direct or indirect involvement in the alleged offence. On 24.01.2024, he was present at his construction site when he received a phone call from his friend, Sharib Iqbal Ansari (Accused No.6), around 11:00 p.m., and shortly thereafter, at around 11:15 p.m., he was apprehended by officers from the ANC Bandra Unit. He alleges that he was falsely implicated in the FIR based on concocted and unsubstantiated facts.

03. The applicant submits that his only connection to the present case is through a business relationship with the uncle of Accused No.4, who is engaged in the plywood business. He categorically denies any possession of 90 grams of Mephedrone (MD) and contends that there is no material evidence on record that establishes a nexus between him and the contraband allegedly seized. He further alleges

that there have been procedural violations, particularly of Section 52A of the NDPS Act, which governs the proper handling and disposal of seized narcotics. The applicant also submits that the investigation has been completed and a chargesheet has been filed before the competent court. There is nothing further to be recovered from or discovered about him. He further states that he has strong roots in society, is not a flight risk, and has been cooperating with the investigation. He has already been granted provisional bail on medical grounds, pursuant to various interim orders passed by this Court. In view of the above facts and circumstances, the applicant prays that his application for regular bail be allowed.

04. On the other hand, the Investigating Officer, through the Learned Additional Public Prosecutor (APP), has filed a detailed reply opposing the bail application. It is submitted that the applicant was found in possession of 90 grams of Mephedrone, which constitutes a commercial quantity under the NDPS Act. The prosecution further submits that investigation has revealed a nexus among Accused Nos. 1 to 7, who are allegedly involved in a chain of buying and selling narcotics. The contraband is said to have been sourced from one Sahil Sohel Shaikh. Moreover, it is alleged that the applicant transferred a sum of ₹50,000/- to the bank account of Accused No.4 as payment towards the purchase of Mephedrone. In light of these submissions, the prosecution prays that the application for bail be rejected.

05. I have heard the submissions of Ms. Reshma Kakade, learned advocate for the applicant, and Mr. S.S. Panjwani, learned APP for the State. I have also carefully perused the documents placed on

record, including the reply affidavits, investigation papers, and relevant case material.

06. The record reflects that the applicant was granted provisional bail on medical grounds by order dated 16.11.2024. This relief has been extended from time to time. The applicant now seeks regular bail on merits and on the grounds of parity. It is pertinent to note that several co-accused in the same matter have already been granted bail. Specifically, Sharib Iqbal Ansari, Haseeb Hanif Ibrahim, Anwaar Ali Abid Ali Khan, and Muhibbul Haq Ziaul Haq Khan were released on bail by the Hon'ble High Court of Bombay vide orders dated 18.02.2025 and 25.04.2025. Additionally, Abdul Rahim Usman Shaikh and Ahmed Raza Mushtaq Shaikh were granted bail by this Court on 13.09.2024 and 24.02.2025, respectively.

07. It is also worth noting that Accused No.7 was released on bail on medical grounds. Thus, all co-accused in this matter have already been enlarged on bail, either by this Court or by the Hon'ble High Court. Having considered the nature of the allegations, the stage of the proceedings, and the fact that no further recovery is pending, I am of the view that the applicant stands on the same footing as the co-accused who have been granted bail. Therefore, on the ground of parity and in the interest of justice, the applicant deserves to be released on regular bail. Accordingly, the following order is passed.

ORDER

1. Bail Application Exh-38 in NDPS Spl Case No.1358 of 2024, is hereby allowed.

2. The applicant/accused, Shahnawaz Akhalaque Ahmed Shaikh, who was arrested in C.R. No. 07/2024 registered with the ANC Bandra Unit, Mumbai, for offences punishable under Sections 8(c) read with Sections 22(c) and 29 of the NDPS Act, 1985, and who has been released on provisional bail, shall now be released on regular bail as per the terms and conditions laid down in the order dated 16.11.2024 in Bail Application (Exh-11) in NDPS Special Case No. 1358 of 2024.
3. The provisional bond and cash security furnished by Accused No. 7, Shahnawaz Akhalaque Ahmed Shaikh, shall remain in force until further orders.
4. All other terms and conditions of the bail order dated 16.11.2024 shall remain unchanged.
5. Bail Application (Exh-38) in NDPS Special Case No. 1358 of 2024 is accordingly disposed of.



Date : 13.06.2025

(V. M. Sundale)
Special Judge (N.D.PS.),
City Civil & Sessions Court,
Gr. Bombay (C.R. No.21)

Dictated on : 13.06.2025
Transcribed on : 16.06.2025
Signed on : 16.06.2025

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED ORDER.”

UPLOAD DATE	TIME	STENOGRAPHER NAME
16.06.2025	03.30 p.m.	Ms. Ujwala J. Bhagat

Name of the Judge	H.H.J. Shri. V.M. Sundale (Court Room No.21)
Date of pronouncement of Order	13.06.2025
Order signed by P. O. on	16.06.2025
Order uploaded on	16.06.2025