

MHCC020014982025



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

AT GREATER MUMBAI

BAIL APPLICATION NO. 102 OF 2025

Mohd Junaid

Age :- 21 years, **Occupation :-** Nil

R/at :- Room No.1203, 3B building

Gousiya Society, Patthar Nagar,

Bharat Nagar, Bandra East,

Mumbai - 400051

....Applicant/Accused

V/s.

Union of India, Through

Intelligence Officer,

Air Intelligence Unit,

CSMI Airport, Terminal - II,

Mumbai - 099

...Respondent

Appearance :-

Mr. Prem Kumar R. Pandey, Advocate for applicant/accused.

SPP Mr. Inamdar, for the AIU/respondent.

CORAM : THE SPECIAL JUDGE
Shri K. G. Joshi (C.R.21)

DATE : 06.02.2025

ORDER

The applicant/accused **Mohd Junaid** has filed the instant application under Section 483 of B.N.S.S. 2023 for grant of regular bail in connection with F. No. SD/INT/AIU/13/2025-AP 'D' registered with Air Intelligence Unit, CSMI Airport, Terminal-II, Mumbai for the offences punishable under Sections 21 (a), 23 (a), 28, 29, 30, 35 and 54 read with Section 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is the case of prosecution that, during regular surveillance and on profiling officers of AIU 'D' Batch intercepted the applicant on 10.01.2025. On following procedure and during the personal search, the applicant was found in possession of 3946 grams Hydroponic weeds (Cannabis). The concerned police officer seized the contraband by following due process of law. The applicant came to be arrested for violation of the provisions of the NDPS Act.

3. The applicant came up with a case that he has been falsely implicated in the alleged offence and he is an innocent person. As per the case of prosecution, the applicant was found in possession of 3946 grams Hydroponic weeds (Cannabis), which comes under category of non commercial quantity and therefore, the provisions of section 37 of NDPS Act is not applicable to the case in hand. There is delay in proceeding u/s. 52 A of the Act. Also, C.A. report is awaited.

4. The applicant shown his readiness to assist the prosecution and also to comply with the terms and conditions imposed by this Court while granting bail. The investigation is almost completed and therefore, no purpose will be served by keeping the applicant in judicial custody. Therefore, the applicant prayed to grant bail to him.

5. The said application is strongly opposed by the learned SPP and contended that contraband has been seized from the applicant by following due process of law. The said contraband is having value in crores. The applicant is involved in offence in cartel. The said contraband cannot be consumed by single person. Therefore, it is for commercial purpose. It is valued around 3.94 Crores. The prosecution further raised the apprehension of repetition of similar crime, if the applicant is released on bail. Hence, prayed to reject the application.

6. Heard learned Advocate for applicant/accused and learned APP for respondent/State. Perused the record.

7. It can be gathered from record that the applicant came to be arrested for allegedly possessing 3946 grams Hydroponic weeds (Cannabis). It can be seen that the said contraband is of non commercial quantity and therefore, bar provided under section 37 of NDPS Act has no application to the present set of facts.

8. The prosecution has not submitted that custody of applicant is required for any investigation purpose. The prosecution merely raised apprehension of absconding of the applicant/accused and

of repetition of crime. It can be seen from the record that the investigation might have been practically completed against the applicant/accused. Further, majority of witnesses involved in present case are police officers.

9. Prima facie, there is no material on record, to show that cases are pending against the present applicant/accused, under the NDPS Act. Therefore, the contention of prosecution that the applicant is involved in similar type of offence is of no substance. Further, the trial of the present matter will certainly take some time and it will not be just and proper to keep the applicant in custody till the conclusion of trial. Under these circumstances, looking to the facts and circumstances of the present case and the objection raised by the prosecution that the accused is dealing in cartel, the Court has to consider the condition for granting bail.

10. Considering the observation made by the Hon'ble High Court in the case of non-commercial quantity of contraband and the discrepancies found in the prosecution story, in the present case, the nexus of alleged crime and accused is not met to the satisfaction of reasonable grounds, as alleged. Thus, the Court found that there are reasonable grounds of believing, that the accused is not guilty of the offences as alleged by prosecution in respect of commercial quantity. Also, possibility that, being following, he would flee away from the course of justice, if bail is granted, the same can be curtailed by imposing conditions and no antecedents against applicant/accused under the NDPS Act, placed by prosecution, so possibility of committing any offence while on bail, may be ruled out. Therefore, the Court is of

the opinion that there are reasonable grounds that the accused is not likely to commit any offence while on bail.

11. For the legal and factual aspects as discussed above, the Court found merits in the submission of learned Counsel of accused and also in the averment of the accused in bail application that applicant has not involved in selling commercial quantity of contraband as alleged by prosecution. Therefore, I deem it proper to inclined to grant bail. Hence, I proceed to pass following order.

ORDER

1. Bail Application No.102 of 2025 is hereby allowed.

2. The applicant/accused **Mohd Junaid** arrested in connection with F. No. SD/INT/AIU/13/2025-AP 'D' registered with Air Intelligence Unit, CSMI Airport, Terminal-II, Mumbai for the offences punishable under Sections 21 (a), 23 (a), 28, 29, 30, 35 and 54 read with Section 8 (c) of the NDPS Act, 1985, shall be released on bail upon executing a personal bond of **Rs.1,50,000/- (Rs. One Lakh Fifty Thousand only)** with **one solvent surety of the like amount**, on the following conditions :-

a. The applicant/accused is directed to report the concerned police station on **First and Third Monday of every month** in between 10.00 a.m. to 1.00 p.m., fill further order.

b. The applicant/accused is strictly prohibited from making any form of contact with co-accused, witnesses, or any individuals directly associated with the case.

c. The applicant/accused shall not tamper with any evidence or documents related to the case.

d. The accused shall furnish his active mobile number to the Investigating Officer and shall also immediately report any change in his mobile number.

e. The applicant/accused shall surrender his passport, if any, before the Investigating Officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the Investigating Officer.

f. The applicant/accused is prohibited from engaging in activities that might be related to the offence registered.

g. The applicant/accused must maintain a stable residence at his current address mentioned in the cause title and is required to inform the Court and the investigating officer of any change in her residential address.

h. As per para No.12(1) of the Criminal Manual, the applicant/accused before release on bail shall furnish the list of three blood relatives with their detail residential addresses and also the addresses of their place of work, if any, and shall also produce documentary proofs showing the correctness of details produced by him.

3. Failure to adhere to any of these conditions will result in the immediate revocation of bail and may lead to further legal consequences.

4. Bail Application No.102 of 2025 is disposed off accordingly.



Date : 06.02.2025

(K.G. Joshi)
Special Judge (N.D.PS.),
City Civil & Sessions Court,
Gr. Bombay (C.R. NO.21)

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Corrected copy given to HHJ on	: 10.02.2025
Signed on	: 10.02.2025

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

UPLOAD DATE	TIME	STENOGRAPHER NAME
11.02.2025	12.25 p.m.	Ms. Ujwala J. Bhagat

Name of the Judge	H.H.J. Shri. K.G. Joshi (Court Room No.21)
Date of pronouncement of Order	06.02.2025
Order signed by P. O. on	10.02.2025
Order uploaded on	11.02.2025