

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1269 OF 2026

Jayant S/o. Jitendrakumar Tiwari Applicant

V/s.
State of Maharashtra Respondent

Mr. Keshav Lalchand Damani i/b Sandhya Gaikwad for
the Applicant.

Mr. T. G. Khan, APP for Respondent -State.

Mr. Amol Kadam, PI, present posting EOW, Mumbai, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 25th AUGUST, 2026

P.C. :-

1. Heard learned counsel for the parties. Perused the record.
2. The applicant seeks his release on bail in connection with FIR bearing No.25 of 2022, dated 29th March 2022, registered with the Anti Narcotic Cell (ANC), Worli Unit, Mumbai for the offences punishable under Sections 8(c), 22(c), 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 ('NDPS Act' for short). There are in all twelve accused. The applicant is original Accused No.12.
3. The prosecution case is that while on patrolling duty, a team of ANC, Worli found Accused No.1 in a public place carrying 250 gms MD to sale. Therefore, Accused No.1 was arrested and the said crime was registered. The investigation led to the arrest of Accused Nos.2 to 5. Pursuant to the disclosure made by Accused No.5, about 701 kgs of Mephedrone was recovered from a godown at Nalasopara. Further, investigation revealed the role of Accused

Nos.6 to 12 and, they came to be arrested. On completion of investigation charge-sheet and supplementary charge-sheet were filed.

4. Mr. Damani, learned Counsel for the applicant submits that at the relevant time, the applicant was working as a Dispatch Head in the factory where the raid was carried out and contraband was seized. Accused No.11 – Hareshbhai Bhimajibhai Valani was working in that factory as an Administrative Head and A11 has been released on bail by this Court. He submitted that the role of A11 and the present applicant is similar and, therefore, is entitled for bail on the principle of parity.

5. Mr. Khan, learned APP submitted that the applicant alongwith the co-accused persons were dealing in illicit contraband MD. Total 2428 kgs MD has been seized in this case. He submits that the applicant was a Manager and not the Dispatch Head. However, in the charge-sheet, it is alleged that the applicant was working as a supplier.

6. I have considered these submissions. There is no dispute from the Respondent side that the role of the applicant is similar to the role of A11 who has been granted bail by this Court on the ground of prolonged incarceration. The order granting bail to A11 has not been assailed before the Hon'ble Supreme Court, thus, the Respondent has accepted that order. The said order and the order of granting bail to A5 Premprakash Singh have been based on the order of bail granted by Hon'ble Apex Court to A10 Chintan Pansariya on the ground of prolonged incarceration.

Total 701.740 Kgs MD was recovered from A5. It is alleged that the license of the factory where the raid was carried, was in

the name of A10. He had allowed the premises and the machinery etc. there to A7 who was controller of the factory from whom 1723.250 kg of. MD was recovered.

More or less, the role attributed to A11 and the applicant is the same. While granting bail to A10, the Hon'ble Supreme Court has observed that A10 was in judicial custody as an under trial prisoner for almost 3½ years. On 16-1-2026, charge came to be framed. Some of the co-accused were released on bail. The prosecution intended to examine as many as 159 witnesses. There are cases almost 10 years old pending in the trial Court. In this background, despite noting that the alleged offence seriousness, the Hon'ble Supreme directed to release the Petitioner on bail. The applicant is being incarcerated for four years which is more than the period of incarceration considered in the case of A10.

7. In the wake of the above, the applicant is entitled for bail on the principle of parity. Thus, I am inclined to allow the application. Hence, following Order :-

(i) The applicant – Jayant s/o Jitendrakumar Tiwari shall be released on bail in connection with FIR bearing No.25 of 2022, registered with the Anti Narcotic Cell (ANC), Worli Unit, Mumbai for the offences punishable under Sections 8(c), 22(c), 25, 27-A and 29 of the NDPS Act, on his furnishing P.R. Bond in the sum of Rs.2,00,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Anti Narcotic Cell (ANC), Worli Unit, Mumbai, on the 1st day of each calendar month between 12:00 noon to 4:00 p.m., till the conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(v) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vi) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(vii) The applicant shall surrender his passport with the ANC, Worli Unit.

(viii) The applicant shall not leave the State of Maharashtra till the conclusion of the trial.

(ix) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

8. Bail Application stand disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

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JAYANI

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