

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 179 OF 2019

Mr. Bhanudas More @ Bhavesh
Patel

...Applicant

V/s.

State of Maharashtra

....Respondent

Mr. Dilip Mishra i/by. Mr. Ayaz Khan, Advocate for
the applicant.

Mrs. J.S. Lohakare, APP for State.

Mr. A.M. Chimalkar, Special Public Prosecutor for
ATS.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 5th December, 2019.

P.C. :

1. Heard.

2. Applicant is seeking his enlargement on
bail in NDPS Special Case No. 226/2015 arising from

NDPS Crime Case No. 9/2015 registered under Sections 8(c), 22, 27-A, 29 of the Narcotics Drugs and Psychotropic Substances Act ("NDPS Act" for short).

3. Upon a secret information, a trap was laid on 30th June, 2015 and a suspect, Sachin was detained. On his personal search, 1 kg Mephedron was found. He led the raiding party to Flat No.3, Ekdant Building, Oshiwara, Jogeshwari (West). In the flat, persons were found engaged in the process of manufacturing narcotic substance, 'Mephedron' wherefrom 25 kg, 500 gms Mephedron powder was seized.

4. In the course of investigation, five accused were arrested. Applicant was absconding, but was apprehended by ATS on 5th April, 2017.

5. The respondents, in their Affidavit-in-reply have disclosed, that the applicant is/was involved in two other narcotic cases, namely C.R.

No. 3/2001 wherein he is convicted by the Special Court and pending Appeal, he committed another offence, wherein he was apprehended by the DRI in C.R. No.43/2007. Present one is third offence, wherein custody of the applicant was sought from the ATS while he was in judicial custody of the DRI.

6. The applicant has been charged under Section 29 of the N.D.P.S. Act for aiding/providing the technical know-how to the co-accused, who were engaged in the process of manufacturing 'Mephadron'. Evidence revealed, applicant had obtained a, "Pilot Plant facility" a infrastructure owned by the State of Gujrat, under and name and style of M/s. ARAI Ltd., inter-alia, extending the facility to the Entrepreneurs to experiment the manufacturing process. This plant is run and managed by the qualified personnel.

7. Evidence shows, the applicant while obtaining the, Pilot Plant facility had assumed name of Bhavesh Patel, as a Proprietor of M/s.

Shubham Enterprises. Contract dated 2nd February, 2015 with ARAI Ltd. fortifies this fact.

8. Evidence shows, the applicant provided all technical knowledge and support to the accused for manufacturing the narcotic drug, 'Mephadron'. The statements of Hardeepkumar Thakur and Shailesh Mody revealed a fact that in February, 2015 and March, 2015, Sajeed Yusufbhai Electricwala (co-accused) had accompanied the applicant to the, Pilot Plant alongwith Sachin Dilip Baagul (another co-accused). The statements of these two witnesses revealed a fact, that applicant during, February to March, 2015 was engaged in the process of manufacturing anti-malarial drug and by same process, drug 'Mephadron' could be manufactured. These witnesses disclosed that one, Raju Langada and co-accused, Sachin were involved in the process of manufacturing, anti-malarial drug, within the plant. Relying on these statements, learned Special Public Prosecutor submits, the applicant was imparting training to the co-accused for

learning the process of manufacturing, Mephadron. Besides, a statement of Uma Sundersan, the Chief Operating Officer, in the Chemical Test Laboratory corroborates the statements of Hardeep Kumar and Shailesh Mody.

9. Statements of witness, Chetan Ramniklal Vora, revealed that, the applicant had purchased 450 kg Methylamine in Methanol, from him and of Paresh Talathi, reveals that the applicant-accused had purchased 50 litres of acetone from him. The statement of Paresh Talathi has disclosed a fact that, he had supplied 50 litres acetone to the applicant and transported it in Vehicle No.MH-12-JC-8894. Evidence shows, this vehicle was owned by co-accused Sajeed Electricwala. This fact is further corroborated by witness, Sudhir Bhole who stated that 50 litres of acetone was placed in the Dickey of the said vehicle by him and delivered to co-accused, Sachin Baagul.

10. It may be stated that, the applicant

obtained the Pilot Plant facility by concealing his identity, in as much as, a contract was made by him in the name of Bhavesh Patel, a Proprietor of M/s. Shubham Enterprises. However, Test Identification Parade held on 30th May, 2017 has fixed the identify of the applicant i.e. Bhavesh Patel and Bhanudas More are one and the same persons.

11. The evidence on record reveals the complicity of the applicant in providing technical expertise and support for manufacturing of narcotic drug, 'Mephadron'.

12. In the facts and in view of the evidence, the Bail Application is rejected.

(SANDEEP K. SHINDE, J.)