

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

ANTICIPATORY BAIL APPLICATION NO. 513 OF 2024

Santosh Ganpat Kamble

..Applicant

Versus

Union of India & Anr.

(Through the Intelligence Officer NCB,MZU)

..Respondents

Mr. Satyavrat Joshi i/b. Kanishka Hasabnis for Applicant.

Ms. Neha M. Patil, PP for NCB/Respondent No.1.

Mr. Nitin B. Patil, APP for State/Respondent No.2.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 22 MARCH 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with NCB/C.R.No. 27 of 2023 registered with NCB Mumbai, under Sections 8(c), r/w. Section 21(c), 22(c), 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Mr. Satyavrat Joshi, learned counsel for the applicant, Ms. Neha Patil, learned Public Prosecutor for the NCB/Respondent No.1 and Mr. Nitin Patil, learned APP for the State/Respondent No.2.

3. The prosecution case is that, on 06.10.2023, at about 4.00p.m. the officers of the NCB Mumbai received a secret information that the person named Sunil Hinge was carrying huge quantity of Alprazolam by a vehicle for delivery to unknown person at Pabal area between 4:00p.m. to 5:00p.m. on 06.10.2023 via Vanvavadi wasti, Midagulawdi road, from Clandestine Lab situated somewhere in the Midagulawadi, Kanhur Mesai, Shirur, District Pune.

4. The NCB officers called two panchas and arranged to conduct raid. At about 5.00p.m. they intercepted the same vehicle. There were two persons in the vehicle. The driver was Sunil Hinge and the other person was Jaikishan Yadav. On Sunil's information the raiding party reached at the Clandestine lab at survey No.113/2, Vanvavadi Vasti, Midagulawadi, at about 8.10p.m. At that spot, the search of the vehicle was carried out. There were 7 plastic drums containing the contraband and there was a brown coloured carton containing the similar substance. The investigating officer seized the contraband. The suspects travelling in that vehicle informed that it was Alprazolam and the chemical which

was packed in the bottles were used as a raw material for making Alprazolam. The total quantity of Alprazolam which was seized was 173.35 Kgs. The samples were drawn. The said accused Sunil was arrested. He gave information about the applicant. The applicant was called by the NCB officers. His statement was recorded U/s.67 of the NDPS Act on 12.10.2023.

5. Learned counsel for the applicant submitted that, there is no material against the present applicant except his own statement recorded U/s.67 of the NDPS Act and the statement of co-accused Sunil. He was not found at the spot. Nothing is recovered from him. He has co-operated with the investigation. He is willing to co-operate with the investigation. He submitted that, there is nothing to show that the contraband which was seized was Alprazolam.

6. Learned P. P. appearing for NCB submitted that the contraband Alprazolam is mentioned at Sr.No.178 of the Schedule to the NDPS Act. The small quantity is 5gm. And commercial quantity is 100gms. In this case, huge quantity of 173.35 Kgs. was

recovered. Therefore, the offence is extremely grave and serious. She submitted that the investigating agency has received the C.A. report showing that the samples tested positive for Alprazolam. A copy of the report is produced on record and it is taken on record. She submitted that the said C.A. report is in connection with the present subject matter. She also relied on the statements of co-accused Sunil Hinge, Akshay Hinge and the applicant himself.

7. I have considered these submissions. As submitted by learned P.P. the contraband which was seized was in very large quantity. The commercial quantity was only 100gms. As against that, the seized quantity was 173.35kgs. The co-accused Sunil has stated that the applicant is the owner of that factory. On 06.10.2023, the applicant had told Sunil that the police were planning to conduct raid and directed him to go to the factory and shift the contraband manufactured in that factory. According to this instruction, the contraband was filled in the drums and they were being transported towards Pabal. This was done at the instance of the present applicant. The statement of Akshay Hinge also states that the applicant was his friend and he was looking

after the daily operations of two laboratories and one Somnath Jadhav was involved in illegal production of Alprazolam. The applicant's own statement shows his connection with the laboratory, though, he has stated that he was not the owner of the factory and real owner was Akshay Hinge. From all these statements, there is clear connection of the present applicant shown by the investigating agency. The offence is extremely serious. The applicant cannot be protected U/s.438 of the Cr.p.c. The applicant's custodial interrogation is absolutely necessary.

8. The application is rejected.

(SARANG V. KOTWAL, J.)