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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2135 OF 2024

Krutik Manojbhai Patel ...Applicant

Versus

The Union of India and anr. ...Respondents

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Mr. Anil G. Lalla a/w Yash Pulekar for the Applicant.
Ms. S. G. Talhar, APP for the State.
Mr. Siddharth Chandrashekhar for Respondent No. 1.

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CORAM : M.S. Karnik, J.
DATED : 23rd SEPTEMBER 2024

P.C. :-

1. Heard learned counsel for the applicant.
2. This is an application for bail.
3. The applicant is the accused No.4 in respect of offence punishable under Sections 8(c), 22(c), 23(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter th NDPS Act' for short) registered vide C.R. No. APSC/CUS/50/CC/246/2021-22 dated 15th December 2021 with APSC (customs), Mumbai.
4. The applicant is the accused No.4. The applicant was arrested on 28th December 2021. The offence concerns

1850 strips of the contraband drug Tramadol tablets, each containing 10 tablets of 100 mg each (18500 tablets of 100 mg each). From the materials on record it can be seen that these Tramadol tablets were delivered in the following manner:

5. The order was placed by Kamal Verma for sending medicines for foreign customers. One Neel Patel had introduced the present applicant to Kamal Verma and Kaushal Chaturvedi. Kamal Verma asked the applicant to send 18500 tablets of Tramadol to USA at the address provided by him at Rs.27 per tablet. The applicant asked Kaushal Chaturvedi to supply 18500 tablets of Tamadol to him. Kaushal Chaturvedi sent 18500 tablets of Tramadol to Krutik Patel @ Rs.3 per tablet. The applicant sent 18500 tablets of Tramadol by private bus to Deep Maheta who is the owner of Jalaram Parcels. Deep Maheta concealed the said tablets in Farsan/Namkeen and prepared a package. The prepared package was collected by a tempo of Jignesh Patel who is the owner of Sairam Parcels from Deep

Maheta. Jignesh Patel forwarded the package to Sachin Borse (Casfreight Solutions) in Mumbai. Sachin Borse handed over the package to Express Parcel Services. Express Parcel Services produced the package before Customs for examination and clearance. The goods were seized on 15th December 2021.

6. The learned counsel for the applicant submitted that the tablets were not recovered from him. It is further submitted that the accused is in custody for more than 2 years 9 months. There is no possibility of trial concluding any time soon. It is submitted that the prosecution has to examine 70 witnesses. According to the learned counsel for the applicant even charge is not framed.

7. Learned counsel for the respondent opposed the application. It is submitted that the applicant was found to be involved concerning commercial quantity of drugs. The rigours of Section 37 of the NDPS Act are attracted. It is submitted that considering the materials against him as the applicant had taken the order for delivery of the

tablets and he was the one who sent the parcel for delivery, the application be rejected.

8. This is the second application for bail. The earlier application for bail filed by the applicant was allowed to be withdrawn on 14th March 2024 with liberty to apply after four months depending on the progress of the trial.

9. There is hardly any progress in the trial and even charge has not been framed. The prosecution has to examine 70 witnesses. There is thus no possibility of concluding the trial any time soon. Though, the offence alleged against the applicant is involving commercial quantity of the drugs, however, considering that the applicant is incarcerated for more than 2 years and 9 months and as there is no possibility of trial concluding any time soon, there are no criminal antecedents against the applicant, I am inclined to enlarge the applicant on bail in the facts and circumstances of the present case.

10. No doubt, learned counsel for the respondent urged that there are materials indicating financial transaction

between the applicant and the persons through whom the tablets were to be delivered, however, it is made clear that I am granting bail on the ground that the applicant is in custody for more than 2 years and 9 months and delay in concluding the trial. There is no possibility of the trial commencing and concluding any time soon as even the charges are not framed. There is no recovery of the drugs from the applicant. As there are no criminal antecedents there does not appear to be a possibility of the applicant committing any offence during the pendency of the trial, as in any case, this Court proposes to impose stringent condition while granting bail. The co-accused has been enlarged on bail. Hence, the following order:

ORDER

- (a) The application is allowed.
- (b) The applicant- Krutik Patel in connection with C.R. bearing F. No.APSC/CUS/50/CC246/2021-22 dated 15th December 2021 registered with APSC (customs), Mumbai shall be released on bail on his furnishing P.R. Bond of

Rs.1,00,000/- with on or more local sureties in the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) On being released on bail, 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.

(e) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(f) The applicant shall surrender his passport, if any, to the trial Court before his release. If the applicant does not have a passport, he shall file an affidavit to that effect prior to his release.

(g) The applicant shall report to the office of SIIB Andheri

on every first and third Monday of the month between
11.00 a.m. to 1.00 p.m. till trial concluded.

12. The application is disposed of.

(M.S. Karnik, J.)