

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

Anticipatory Bail Application No.2753 of 2024

Pradeep Ramesh Salunkhe
Age-34 years, Occupation-business
Residing at Datta Krupa Chawl,
Near Durga Hotel, Road no.27,
CP Talav, Thane-400604.

..... Applicant.

Vs.

The State of Maharashtra
(at the instance of Shrinagar
Police Station, Thane, vide
their CR No.556 of 2024)

..... Respondent.

Ms Saldanha Gracy, Advocate for the applicant.
Mr Arfan Sait, APP for respondent/State.
PSI Deepak Patil, Central Crime Unit, Crime Branch, Thane
City.

**Coram : R.N.Laddha, J.
Date : 8 October 2024.**

P.C. :

Heard Ms Saldanha Gracy, the learned Counsel
appearing on behalf of the applicant, Mr Arfan Sait, the
learned Additional Public Prosecutor representing
respondent/State.

2. The applicant apprehends arrest in connection with

CR No.556 of 2024, registered with the Shrinagar Police Station, Thane, for the offences punishable under Sections 20(b), 20(b)(ii), 29 and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. By the present application, the applicant seeks pre-arrest bail.

3. According to the prosecution, on 16 August 2024, around 10:15 p.m., the police received an information about a business deal involving Ganja. Acting on this tip, they intercepted a vehicle and a motorcycle, apprehending the applicant and the co-accused. Upon searching them, the police found 6 kg. of Ganja in their possession. Further investigation revealed that the co-accused had obtained this Ganja, the contraband, from the applicant.

4. Ms Gracy Saldanha, the learned Counsel for the applicant, submits that there is no material linking the applicant to the offence, except for the statement of the co-accused. She points out that the alleged contraband has already been seized from the co-accused and emphasises that the applicant deserves consideration. Moreover, the applicant is willing to attend the concerned police station and cooperate with the investigation.

5. On the other hand, Mr Arfan Sait, the learned APP representing the State, contends that there is sufficient material to implicate the applicant in the present crime. The Call Detail Records (CDRs) show a consistent pattern of communication between the applicant and the four co-accused, suggesting a collaborative relationship. The learned APP highlights that the ongoing investigation aims to uncover the entire supply chain. The severity of the offence poses a significant threat to Society. Furthermore, the learned APP asserts that the applicant's custody is essential to fully uncover involvement in the crime and dismantle the supply chain.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered a general rule, the same analogy cannot be applied to the anticipatory bail. The decision to grant anticipatory bail must be exercised with careful and prudent discretion by the Court, considering each case's specific circumstance. A strait jacket formula cannot be applied. This power must be exercised with caution, as granting protection in serious cases could potentially lead to a

miscarriage of justice or hinder the investigation by allowing tampering or destruction of evidence. All these aspects are highlighted in the case of *Shrikant Upadhyay and Ors. Vs. State of Bihar & Anr.*¹

7. After reviewing the records, there is a prima facie material indicating applicant's involvement in the crime. The co-accused have implicated the applicant as a supplier of the seized contraband items. The CDRs indicate frequent communication between the applicant and the co-accused. The ongoing investigation seeks to uncover large scale network engaged in the illegal contraband. Considering the gravity of the offence and its significant social impact, custodial interrogation of the applicant is deemed necessary to uncover further details. As a result, the application stands rejected.

[R. N. Laddha,J.]

1 2024 SCC OnLine SC 282.