

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

ANTICIPATORY BAIL APPLICATION NO. 3481 OF 2024.

Akshay Dilip Jadhav

...Applicant

Vs

The State of Maharashtra

...Respondent

Mr. Satyajit Joshi (through V/C) i/b Mr. Samay Pawar for the Applicant.

Mr. Kiran C. Shinde, APP for the Respondent-State.

Mr. Abdul Sheikh, PSI, Kamshet Police Station.

CORAM : MANISH PITALE, J.

DATE : 20th DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.174 of 2024 dated 22/08/2024 registered with Kamshet Police Station, Pune, for offences punishable under Section 3(5) of Bhartiya Nyay Sanhit 2023 and Section 8(c), 20 of the NDPS Act.
3. FIR has been registered on the basis of contraband being recovered in the form of 97 kgs of ganja in a vehicle. It is a commercial quantity of contraband recovered in the present case.
4. Learned counsel for the applicant submits that the applicant is not named as one of the accused persons in the FIR and there is hardly

any material on record to link the applicant to the contraband in question. Sessions Court has rejected application only on the ground of criminal antecedents of the applicant.

5. On the other hand, learned APP pointed out that although the name of the applicant has not been specifically shown in column 7 as one of the accused persons, but in the statement of the informant it is specifically recorded that when the contraband was recovered from the vehicle the accused person apprehended at the spot specifically stated that it was being handed over to three persons at Lonawala, specifically naming "Akshay" as one of the individuals

6. On this basis and after highlighting the criminal antecedents of the applicant, learned APP submitted that no indulgence may be shown to the applicant.

7. Before dealing with the rival submissions it is to be noted that even for considering regular bail in cases involving offences under the provisions of NDPS Act, the stringent test contemplated under Section 37 thereof is required to be satisfied. The said test pertains to firstly, the applicant making out a strong *prima facie* case in his favour to the extent that the Court is convinced that there is no likelihood that the applicant would be convicted and secondly, that the Court would be satisfied that upon release on bail the applicant would not indulge in any offence.

8. This is an application for anticipatory bail concerning offences under the NDPS Act and therefore, the scope to grant relief is that much more limited.
9. This Court is of the opinion that the person apprehended at the spot when the contraband was recovered has specifically given the name of Akshay as one of the persons to whom the contraband was to be delivered, *prima facie* indicating the involvement of the applicant, particularly in the light of three criminal antecedents highlighted by the learned APP. Two out of three criminal cases pertain to offences under the NDPS Act and therefore, this is not a case where indulgence can be shown to the applicant.
10. No case is made out for granting anticipatory bail.
11. Application is dismissed.

[MANISH PITALE, J.]