



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

966 BAIL APPLICATION NO. 1535 OF 2025

ARJUN ACHYUTRAO KUPKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Yogesh Birajdar, a/w Mr. Namdev Shinde.
APP for Respondent / State : Mr. S. B. Narwade.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 01st October, 2025.

P.C.:

1 Heard.

2 This is an application is filed for granting regular bail in connection with Crime No.471 of 2025, registered with Vivekanand Chowk Police Station, District Latur, for the offences punishable under Sections 8(c) and 21(c) of N.D.P.S. Act and under Sections 3(1), 25 of Arms Act.

3 The learned counsel for the applicant pointed out the report, wherein it is averred by the informant - A.P.I., Latur that he got secrete information that prohibited drugs (mephedrone drug i.e. MD) is likely to be carried at Latur. Thereafter, he planned a trap alongwith *Panchas*, videographer etc. Accordingly, co-accused Ganesh and Ranjit were found with the mephedrone drug of 78.78 grams. They

were arrested alongwith mephedrone drug and other articles.

4 The learned counsel for the applicant pointed out that the applicant is arrested on the basis of the statement of co-accused recorded by the police, which is inadmissible. The applicant has roots in the society. He will not flee away from the trial. The trial will take a long period. The applicant has no criminal antecedents. Practical investigation is over and the custody of the applicant is not necessary for further investigation. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime and 78.78 gm mephedrone drug is seized at the instance of two co-accused, which is more than the commercial quantity. The investigating officer may collect some material against the applicant, as per the law laid down by the Honourable Supreme Court in the case of ***Muraleedharan Vs. State of Kerala, (2001) 4 Supreme Court Cases 638.*** It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses.

7 It is well settled that the statement of co-accused recorded before the police is not admissible in evidence. The applicant is

arrested in this crime on the basis of the statement of co-accused, which is not admissible. The applicant has roots in the society. He will not flee away from the trial. Trial will take a long period. The applicant has no criminal antecedents. Practical investigation is over and the custody of the applicant is not necessary. Considering all these reasons, the application deserves to be allowed on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.471 of 2025, registered with Vivekanand Chowk Police Station, District Latur, for the offences punishable under Sections 8(c) and 21(c) of N.D.P.S. Act and under Sections 3(1), 25 of Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - b) The applicant shall not indulge in similar activities again.
- III. If any breach of the above conditions are noticed by the investigating officer / police, the Public Prosecutor may

proceed against the applicant before the Special Court for cancellation of bail of applicant. If such an application is filed, the learned Special Court shall decide the same on its own merits, even though the bail is granted by this Court.

[SANJAY A. DESHMUKH, J.]

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