

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1318 OF 2024

Rajesh B. Chandgude ...Applicant
V/s.
The Union of India ...Respondent.
(Through Narcotic Control
Bureau, Mumbai Zonal, Unit Mumbai)

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Mr. Taraq Sayed a/w. Mr. Anish Pereira, Ms Ashwini Achari and
Adv.Devashish Dhanjode for the Applicant.
Ms Manisha Jagtap a/w. Adv. Yashashree Raut for NCB.
Mr. Swapnil V. Walve, APP for the Respondent/State.

.....
AND
BAIL APPLICATION NO. 2233 OF 2024

Tungala Durga Rao ...Applicant
V/s.
Union of India ...Respondent.
(Through the NCB Mumbai Zonal,
Unit-Mumbai)

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Mr. Aashish Satpute a/w. Mr. Chaitanya Purankar for the Applicant
Mr. Shreeram Shirsat, Spl.P.P. a/w. Mr. Shekhar Mane, Ms Karishma
Rajesh and Adv. Iqra Qureshi for the Respondent/NCB.
Ms Manisha Jagtap a/w. Adv. Yashashree Raut for NCB.
Smt. Veera Shinde, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 13.06.2025.

P.C. :

1. Learned counsel for the applicant in Bail Application No.2233 of 2024 seeks leave to amend the cause title of the application to correct the name of the applicant. Leave as sought is granted. The amendment shall be carried out forthwith.

2. As both these applications for regular bail are arising out of one and the same crime, they are being disposed of by this common order

3. The applicants, viz., Rajesh Chandgude and Tungala Durga Rao, are accused Nos.2 and 5 respectively in Crime No.8 of 2023 registered by Narcotics Control Bureau, Mumbai Zonal Unit for the offences punishable under Sections 8(c), 21(c), 22(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

3. On 02.05.2023, NCB, Mumbai got the information that a parcel concealing "Nitrazepam Tablets IP Nitravet-10", a psychotropic substance covered under NDPS Act, is lying at Professional Couriers, Shukravar Peth, Pune, bearing shipper name Monazir Hussain (accused No.4) and the name of addressee as Sagar Ashok Bhadalkar (accused No.1). The trap was thus laid. The applicant in Bail Application No.1318 of 2024 and accused No.1 were apprehended, while collecting the said parcel. The search of the parcel was taken and 398 strips (5970 tablets) of Nitrazepam Tablets IP Nitravet-10 weighing 3.184 kgs were found. During the course of investigation, it was found that the said tablets were sent by the applicant in Bail Application No. 2233 of 2024.

4. I have heard the learned counsel for the applicants and learned Special P.P/s. for the respondent/NCB.

5. Learned counsel for the applicant in Bail Application No.1318

of 2024 submits that the applicant has nothing to do with the alleged crime. It is submitted that there is no evidence in relation to alleged criminal conspiracy between the applicant and other co-accused. Learned counsel submits that the applicant is diagnosed with pulmonary tuberculosis and is undergoing treatment for the same. It is submitted that the applicant is in jail for more than 2 years and the trial has not commenced. The learned counsel submits that there are no other criminal antecedent against the applicant.

6. Learned counsel for the applicant in Bail Application No.2233 of 2024 submits that the entire prosecution case against the applicant is based on statement of co-accused. It is submitted that the applicant is a licensed chemist and was, thus, authorised to store and sell Nitrazepam Tablets. The learned counsel submits that no motive is attributed to the applicant for indulging in alleged activity. It is submitted that the applicant is in jail for 2 years and the trial is not likely to be concluded in near future as it is still at the stage of framing of charge. It is submitted that there are no other criminal antecedent against the applicant.

7. On the other hand, learned Special P.P. for the respondent/NCB submits that according to the applicants they are licensed chemist. It is submitted that the said fact however would not help the applicants as there is nothing to show that the Nitrazepam Tablets in question were legally procured. It is submitted that the motive of the applicants and other co-accused

behind illegally procuring the tablets in question was to sell it illegally at higher price. It is submitted that there is enough incriminating evidence against the applicants in the form of WhatsApp Chat, CDR, Bank transaction to connect them with the alleged crime. It is submitted that as the applicants were found in possession of commercial quantity, the applicants cannot be released unless rigors of section 37 of the NDPS Act are satisfied.

8. According to the prosecution, the Nitrazepam Tablets in question were manufactured by Anglo-French Drug Industries Limited. They sold it to Lupin Limited. It was found that Lupin Ltd. sold the tablets in question to three distributors. If according to the prosecution, the tablets in question were illegally procured from the distribution then it is not understood as to why they are not made accused. Be that as it may, there is no material that it was the applicant in Bail Application No. 2233 of 2024, who illegally procured the tablets in question from the distributors. As regards the applicant in Bail Application No. 1318 of 2024, *prima-facie*, it appears that he was only accompanying the accused No.1. The applicants are in jail for two years and the trial has not commenced. There are no other criminal antecedents against them. Considering the overall facts and circumstances, I am inclined to release the applicants on bail. In the result, the following order is passed.

ORDER

A] Both Applications are allowed.

B] The applicants be released on bail in C.R. No. 8 of 2023 registered at Narcotics Control Bureau, Mumbai Zonal Unit for the offences punishable under Sections 8(c), 21(c), 22(c), 28 and 29 of the NDPS Act, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

C] The applicants shall attend the concerned NCB Office once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicants shall deposit their passport with the trial Court.

[N.R.BORKAR, J.]