

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4123 OF 2024**

Mahendra Kumar Chunnilalji Paliwal	...Applicant
<i>Versus</i>	
Union Of India and Ors.	...Respondents

Mr. Anil Lalla a/w Mr. Chaitanya Purankar, *for the Applicant.*
None for the Respondent No.1.
Ms. Poonam P. Bhosale, *APP for the Respondent No.2 - State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 22ND DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with NDPS Spl. Case No.2330 of 2023 pending before the learned Special Judge, Sessions Court, Fort, Mumbai, for the offences punishable under Sections 8(c) 22(c), 27A, 28 and 29 of the Narcotic Drug and Psychotropic Substances Act, 1985.

2. The facts of the case, in brief, are that acting on information received from a secret source, the police

apprehended the main accused, namely Imtiyaz Kodalkar, when he disembarked from the Saurashtra Express which arrived at Dadar Railway Station on 2nd July, 2024. A substantial quantity of Alprazolam Tablets I.P. 1 mg (Alpratan-1) were found and recovered from his possession. Consequently, Imtiyaz Kodalkar was arrested pursuant to registration of the FIR.

3. During the interrogation, said Imtiyaz disclosed involvement of the present Applicant. Thereafter, the present Applicant was arrested on 4th July, 2023. A voluntary statement of the present Applicant was recorded by the Investigating Officer, wherein it was revealed that the present Applicant used to purchase the said tablets from one Jitendra Gomtiwal, who was the owner of Vanshraj Medical, Umargram, Gujarat. The Applicant would transfer the payment for the purchase of the contraband by PhonePe on his phone number. Accordingly, an entry reflecting transfer of

Rs.5,000/- was recovered from the mobile phone of the present Applicant.

4. Although no contraband was recovered from the possession of the Applicant, he has been impleaded in the alleged offence. The other co-accused, namely Imtiyaz Kodalkar and Jitendra Gomtiwal, are presently in custody.

5. Despite notice having been issued to Respondent No.1 – Narcotic Control Bureau (NCB), none appeared on its behalf. On 17th November, 2025, one Mr. Shivam Dube, appeared on behalf of Respondent No.1 – NCB, and submitted that NCB was still in the process of appointing a counsel. Consequently, last opportunity was granted to the Respondent No.1 – NCB, to ensure the presence of its counsel on the next date of hearing. It was further made clear in the said order that, in the event none appeared on behalf of Respondent No.1 – NCB, to argue the matter on the adjourned date, the Court would proceed to hear the Applicant.

6. Surprisingly, even today, no counsel is present to represent Respondent No.1. Hence, I have proceeded to hear Mr. Lalla, learned counsel for the Applicant.

7. The Applicant made an application seeking bail before the the Special Court, NDPS, Greater Bombay, however, by order dated 6th May, 2024, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

8. Mr. Lalla has taken me through the statement recorded of the present Applicant as well as the statement of the co-accused, Imtiyaz. It is clear that Imtiyaz has met the present Applicant; however, apart from the said statements, there is no material available on record to indicate that the present Applicant is also involved in the alleged offence. Although there is a transfer of Rs.5,000/- from the mobile phone of the Applicant which is admittedly recovered, however, there is no further material to establish that the said

amount of Rs.5,000/- was paid towards the purchase of contraband from Jitendra Gomtiwal.

9. Mr. Lalla further submits that the Applicant is in custody since 4th July, 2023, and that charges were framed on 18th October, 2025. He points out that on the last four dates of hearing, the Respondent – NCB has not even complied with the provisions of Section 294 of the Cr.PC. He submits that since the recording of the evidence is not commenced, the trial is not likely to conclude in the near foreseeable future. In these circumstances, he prays that the Applicant be enlarged on bail.

10. I have heard Mr. Lalla, learned counsel for the Applicant and perused the record of the case with his assistance. I have also perused all the documents in the file.

11. Admittedly, there is a statement of the co-accused, Imtiyaz, alleging that the present Applicant is also involved in the said offence. However, save and except the statement of

the co-accused as well as the statement of the present Applicant himself, confessing to his involvement and transaction Rs.5,000/- found on his PhonePe, there is no other material connecting the Applicant with the present offence. There is also no recovery made from the present Applicant.

12. In these circumstances, especially since the Applicant has been in custody for almost 2 and ½ years and recording of evidence before the Trial Court has not commenced, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

13. Application is allowed in the above terms and is accordingly disposed of.

14. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)