

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4500 OF 2024**

Vikas Acchelal Singh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Yash Pulekar i/by Anil G. Lalla, *for the Applicant.*
Ms. Anamika Malhotra, *APP for the Respondent - State.*
PSI – N.B. Chavan, ANC, Azad Maidan Unit, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 15TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.189 of 2022 dated 11th December, 2022, registered with the Anti Narcotics Cell, Azad Maidan Unit, Mumbai, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. There are in all nine accused. The Applicant is arraigned as Accused No.7. He is implicated in the present offence one year after the principal accused was arrested.

3. The facts of the case, in brief, as discerned from the FIR are that on 10th December, 2022 at about 22:30 hours, while on patrolling duty, the police came across Accused Nos.1 to 3 acting in a suspicious circumstances in front of Kamaluddin Restaurant, Rambhau Bhogle, Naralwadi, Mazgaon, Mumbai. They were found to have exchanging and transferring Khaki corrugated boxes from Piaggio Appe make three wheeler Transport Tempo. When the patrolling party intercepted all three, they gave evasive answers and unsatisfactory replies. The police were only told that the boxes which were being transferred contained cough syrup bottles. The police finding the entire action suspicious took a search of said boxes after complying with the necessary provisions of the NDPS Act. When the boxes were opened, 3840 bottles of cough syrup containing Codeine Phosphate were found. Upon

interrogation of the Accused No.2, it was learnt that 42 boxes were received by the courier and Accused No.3 had transported the same in his vehicle and delivered 10 boxes to Accused Nos.4 and 5 herein. From the statements of the co-accused police realized involvement of Vikas Acchelal Singh i.e. the present Applicant and informed him about the requirement of drug licence and the GST number for manufacture of medicines. The Applicant offered to provide the drug license and GST number. Admittedly, the Applicant was conduit and a broker, only introducing co-accused to several persons. No role is attributed to the present Applicant, yet he was arrested on 29th November, 2023.

4. The Appellant made an application seeking bail before the NDPS Special Judge & Addl. Sessions Judge, City Civil & Sessions Court, Gr. Bombay, however, by order dated 31st July, 2024, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

5. Mr. Pulekar, learned counsel for the Applicant, submits that initially the police had made the present Applicant as a witness and for reasons best known to them, his status was converted into an accused. There is no role played by the Applicant in the entire drug dealing activity. Only on the statement made by the co-accused, the police arrested the present Applicant. Nothing was recovered from him and there are no criminal antecedents against him. Thus, Mr. Pulekar prays that the Applicant be enlarged on bail.

6. Ms. Malhotra, learned APP representing the State, fairly concedes that the arguments made by Mr. Pulekar are correct. However, she submits that the offence is serious and there is although nothing is recovered from the present Applicant, his name is disclosed by the co-accused. She thus, prays that the Application be rejected.

7. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

8. A perusal of the FIR and the Panchanama indicate that no role was played by the present Applicant in the said offence. Only on stray statement made by the co-accused, the Applicant was arrested and that too only after one year of registration of the FIR. As Mr. Pulekar said, the Applicant was initially treated as a witness and for the reasons best known to the investigating agency subsequently treated as accused. There is no recovery made from him. There is nothing to demonstrate the complicity of the present Applicant in the offence. There are no criminal antecedents against him. In these circumstances, the rigors of Section 37 of the NDPS Act are satisfied. In this view of the matter, 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.

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

10. 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)