

Shabnoor

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

BAIL APPLICATION NO. 4700 OF 2024

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Urvex Nevel Vesuna

... Applicant

V/s.

State of Maharashtra

... Respondent

Ms. Lochan Chandka, for the Applicant in
BA/4700/2024.

Ms. Supriya I. Kak, APP for the State – respondent.

Mr. R. A. Gitte, PSI Tulinj Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 16, 2025

P.C.:

1. This is an application filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS), wherein the applicant is seeking his release on bail in connection with Crime Register No. 373 of 2024 registered with Tulinj Police Station for offences punishable under Sections 8(c), 21(c), and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. According to the case of the prosecution, on receipt of a secret oral tip-off, the police officials carried out a search and intercepted the applicant along with a co-accused. Upon search, the police allegedly found 8 grams of Mephedrone (MD) in the

possession of the applicant, which, as per the prosecution, is valued at approximately ₹1,60,000/-. Based on this seizure, a First Information Report came to be registered. During the course of investigation, the applicant was arrested on 4th May 2024. The investigation culminated in filing of a charge-sheet. The applicant had initially approached the learned Sessions Court by filing a bail application, which was rejected. Hence, the present application is preferred before this Court for grant of bail.

3. Learned Advocate for the applicant has submitted that the quantity of Mephedrone allegedly recovered from the possession of the applicant is 8 grams, which is less than the threshold of commercial quantity as prescribed under the NDPS Act. He therefore argued that the rigours of Section 37 of the NDPS Act are not attracted in the present case. It is further submitted that the applicant has no past criminal record and that he has been in custody since 4th May 2024. On these grounds, it is prayed that the applicant be released on bail.

4. On the other hand, the learned APP has strongly opposed the grant of bail. It is submitted that although only 8 grams of the contraband was found on the applicant, the total quantity seized from the co-accused and the applicant together was exceeding 57 grams of Mephedrone, which is considered an intermediate quantity. It is further submitted that there is prima facie material indicating conspiracy between the applicant and co-accused persons, and hence, the provisions of Section 29 of the NDPS Act relating to abetment and criminal conspiracy are attracted. It is also submitted that considering the serious nature of the offence,

the applicant is not entitled to be released on bail.

5. Having heard both sides and perused the material placed on record including the charge-sheet, seizure panchnama, and statements of witnesses, this Court proceeds to examine whether the applicant has made out a case for grant of bail.

6. At the outset, it is undisputed that the substance allegedly recovered from the possession of the applicant is 8 grams of Mephedrone (MD). As per the Central Government Notification, the threshold for commercial quantity of Mephedrone is 50 grams. Thus, 8 grams fall under the category of small quantity.

7. Now, it is settled law that in order to attract the embargo of Section 37(1)(b) of the NDPS Act—which imposes restrictions on grant of bail—the quantity involved must be a commercial quantity. The rigours of Section 37 are not attracted in cases involving less than commercial quantity.

8. Therefore, in the present case, since the quantity attributed to the applicant is only 8 grams, the statutory bar under Section 37 does not apply.

9. Furthermore, the applicant has no past criminal antecedents, is a young individual, and has already undergone over a 13 months of custodial detention. The investigation is complete, and the charge-sheet has been filed. Therefore, further pre-trial custody would not serve the interest of justice.

10. In light of the above discussion, the applicant has made out a case for grant of bail. However, this Court is conscious of the

sensitivity and gravity of offences under the NDPS Act, and therefore, deems it appropriate to impose strict conditions to ensure that the applicant does not misuse the liberty granted to him.

11. In view of the above discussion and legal position, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant, *Urvex Nevel Vesuna*, shall be released on bail in connection with C.R. No. 373 of 2024 registered with Tulinj Police Station, upon furnishing a Personal Bond of ₹50,000/- (Rupees Fifty Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the Special NDPS Court, subject to the following conditions:

(c) The applicant shall not tamper with the evidence or attempt to influence any witness.

(d) The applicant shall attend all trial proceedings regularly and shall not delay the conduct of the trial.

(e) The applicant shall report to the Tulinj Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(f) The applicant shall not leave the territorial jurisdiction of Palghar District without prior permission of the learned Special Court.

(g) The applicant shall furnish his current residential address

and contact number(s), and shall inform the Court and Investigating Officer of any change.

(h) The applicant shall not involve himself in any offence under the NDPS Act or any other penal law during the pendency of the trial.

(i) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.

12. The Bail Application stands disposed of.

(AMIT BORKAR, J.)