

Ajay

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

CRIMINAL BAIL APPLICATION NO. 4701 OF 2024

1. Nandan Dinesh Yadav and
2. Akhilesh Gajraj Yadav

.. Applicants

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Dileep Satale a/w. Ms. Padma Chinta, Advocates for Applicants.
 - Ms. Rajeshree V. Newton, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Mr. Satale, learned Advocate for Applicants and Ms. Newton, learned APP for Respondent – State.
- 3.** Accused No. 1 booked a parcel of Hydrogen Peroxide (inflammable powder like substance) from Accused No. 2 it was booked through a Shipment Company where Accused No. 3 works as a Manager. Accused No. 3 deputed his delivery boys namely Accused Nos. 4 and 5 to deliver a parcel at the Airport. Accused Nos. 4 and 5 carried the parcel to the Airport for effecting the delivery. At the Airport the parcel was screened but after sometime it exploded leading to filing of the Crime Report in the present case.

4. Mr. Satale, learned Advocate for the Applicant would submit that Applicants are mere delivery boys working with the Shipment Company directed by his Superior to deliver a parcel for shipment. He would submit that Applicant had no knowledge about the contents of the parcel and they performed their duty on instructions of their Manager i.e. Accused No. 3 to carry parcel from Shipment Company office to Airport. He would submit that Applicants are incarcerated since August 2024. *Prima facie* from the submissions made by Mr. Satale it is seen that Applicant's were mere delivery boys.

5. Ms. Newton, learned APP appears for the prosecution she is directed to take specific instructions on the role of present Applicants in the crime and ascertain whether they are indeed delivery boys working for the Shipment Company and were working under the directions of Accused No. 3 and inform the Court accordingly on the next adjourned date.

6. In this regard Division Bench of Calcutta High Court in the case of *Narayan Dey & Ors. Vs. State of West Bengal*¹ has in similar facts held that delivery boys of a Company who were Accused persons in NDPS offence were doing their regular duty by picking up the shipment and transporting it to their destination as per the order received on their Company portal. The Court in that case held that they cannot be set to be in conscious possession of the contraband and

¹ CRM (NDPS) 40 of 2025 decided 13.02.2025.

or its physical possession with an intent or any mental element that they were aware of the contents of the cartoons to be delivered.

7. Stand over to **04th March, 2025.** To be listed on the **‘Supplementary Board’.**

[MILIND N. JADHAV, J.]

Ajay

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