

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5063 of 2024**

Govinda Mohite ...Applicant
Versus
State of Maharashtra _____ ...Respondent

Ms. Ashwinii Achari a/w Atish Pereira i/b Taraq Sayed, *for the Applicant.*

Mr. Yogesh Dabke, *APP for the State-Respondent.*

Mr. Jadhav, *API, Unit-9, is present.*

**CORAM Dr. Neela Gokhale, J.
DATED: 14th November 2025**

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 11 of 2024 dated 15th February 2024 registered with DCP CID Unit-V, Kurla, Mumbai for the offences punishable under Sections 8(c), 20(c), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. There are in all 5 accused. The present Applicant is accused No. 5.

3. The facts of the case, in brief, are that on the basis of information received by the police of Navghar Police Station, Bhayandar (East) on 15th February 2024, a trap was laid by the police. The accused Nos. 1 and 2 were found to be in possession of 274 Kg and 100 Kg of *Ganja* respectively. During investigation, the other accused including the present Applicant was found to be involved in the conspiracy in committing the said offence. Pursuant to the FIR registered against the accused, the present Applicant was arrested on 15th February 2024. The chargesheet is filed on 6th August 2024. However, till date, charges are not framed.

4. The Applicant made a bail application before the NDPS Special Judge and Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay. However, by order dated 23rd October 2024, the said application was rejected.

5. Ms. Ashwinii Achari, learned Counsel for the Applicant, submits that there was no recovery was made from the present Applicant. She states that the Applicant is a farmer

and only breadwinner in his family. The Applicant was arrested only on the basis of the statement of the co-accused, which she submits is inadmissible in law. She draws my attention to the role of the Applicant as alleged by the prosecution. She submits that accused Nos. 3, 4 and 5 are cousins, and therefore the chats and conversations between them are in connection with their other relationship and have nothing to do with the present offence. She also submits that although the prosecution has relied upon a SIM card which is alleged to have been in the name of the Applicant, no mobile phone was recovered from him and there is no panchanama to that effect. She thus submits that the Applicant is not involved in the offence and deserves to be released on bail.

6. Mr. Yogesh Dabke, learned APP, at the very outset, fairly concedes that there are no antecedents against the present Applicant. However, he submits that the SIM card of the Applicant was used by the other accused from whom recovery of the contraband was made. He submits that thus it can be deduced that the present Applicant is also complicit in

commission of the said offence and hence, the Bail Application be rejected.

7. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

8. Admittedly, no recovery was made from the present Applicant. His role, as mentioned in the chargesheet, is limited to recovery of the SIM card which was alleged to be having used in the commission of the crime by accused Nos. 1 and 2, from whom commercial quantity of *Ganja* was recovered. The charges are also not framed as on date. Admittedly, there are no antecedents in respect of the present Applicant.

9. Considering the aforesaid discussion, *prima facie*, at this stage, it cannot be said that the Applicant is involved in commission of the said crime. There are no antecedents against him and it is unlikely that he will commit such an

offence again. In these circumstance, I am inclined to enlarge the Applicant on bail and it is 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed by the Trial Court. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- v) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;
- vi) The Applicant to co-operate with the conduct of the trial;
- vii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

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

(Dr. Neela Gokhale, J)