

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5215 OF 2024

Karan Sundeep Mehra .. Applicant

Versus

The Special Intelligence and Investigation
Branch, Union of India .. Respondent

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- Mr. Datta H. Pawar for Applicant
- Ms. Megha Bajoria, Special Public Prosecutor for Respondent
- Mr. Balraj B. Kulkarni, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2025

P. C.:

1. Heard.
2. Indictment of Applicant being co-accused other than the main accused as claimed by the Applicant is in a controlled delivery action wherein all three accused have been apprehended. It is argued by Applicant - accused No. 2 that the alleged contraband was booked from a foreign distribution to arrive in the post office at Mumbai in the name of the Applicant by the co-accused (accused No. 1).
3. Mr. Pawar, learned Advocate for Applicant would submit that Applicant is innocent as his consent was not taken by accused No. 1. Whenever such a contraband parcel is booked from a foreign distribution, it is a given that all necessary and appropriate documents are required to be submitted namely Aadhar Card, KYC documents etc.

It is only then that the parcel arrives and delivery is effected. Controlled delivery action has been carried out by the prosecution which is clear from the case that has been filed. The postman attempted to deliver the parcel to Applicant at his address, he was not found to be there and therefore the parcel was kept in the post office. When asked the learned Advocate as to how did accused No.1 learn about arrival of the parcel, he would feign ignorance. Accused No. 1 then goes to the post office at 10:10 a.m. on 08.04.2024 to claim the parcel and informs the postman on duty namely one Akshay Choudhary that the said parcel has been booked by his brother. Before that accused No. 1 pays the amount required to be deposited for claiming the parcel in cash after withdrawing it from the ATM. When he is informed by the postman that the name of the addressee on the said parcel is that of the Applicant before me and he cannot be his brother, he then leaves the post office and immediately arrives at the post office within 15 minutes along with the Applicant with him. The statement of the postman Akshay Choudhary is recorded by the prosecution. Statement of accused No. 1 is that the Applicant knew about the booking of the contraband in his name and he agreed on the condition that accused No. 1 shall give him some of the contraband for consumption. Accused No. 1 has in his statement stated that both he and Applicant used to consume the alleged contraband together.

4. Ms. Bajoria, learned Special Counsel appears for Respondent in the present case. She would persuade the Court to grant her time to file appropriate reply on all counts including the statements which are recorded and referred to herein above. Let the reply be filed within a period of two weeks from today with advance copy to be given to the learned Advocate for Applicant.

5. Stand over to **6th March, 2025.**

Amberkar

[MILIND N. JADHAV, J.]

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