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

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BAIL APPLICATION NO.5306 OF 2024

Lalit Alias Sonu Rakeshchandra Pathak ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ayaz Khan with Dilip Mishra and Zehra Charania
for the applicant.

Mr. Mayur Sonavane, APP for the State.

Mr. Vikas Suryawanshi, API, Crime Branch Unit I,
Thane is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 24, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime No. 186 of 2024, registered with Kasarwadavali Police Station, for offences punishable under Sections 22, 22(b) read with Section 8(c) and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. As per the case of the prosecution, on 24th January 2024, at around 10:30 p.m., a trap was laid near Gaimukh Retibunder, Ghodbunder Road, Thane, where Accused No.1 was found in possession of 15 grams of MD (Mephedrone) powder. Upon further

investigation, it was revealed that Accused No.2 had supplied the contraband to Accused No.1. A raid was conducted against Accused No.2, and he was found in possession of 396 grams of Mephedrone. It is alleged that Accused No.2 was in frequent contact with one Om Gupta @ Monu, whose mobile number was found frequently communicating with that of Accused No.3.

3. After the arrest of Accused No.3, he disclosed that he used to procure the contraband from the said wanted accused Monu. Monu was later found in possession of 13 grams of MD. Based on further disclosures, another accused – Hussain Salim Sayyad – was found in possession of 52 grams of MD. A raid at the residence of Om Gupta led to the recovery of 18 grams of MD. The investigation further revealed that Om Gupta had been allegedly manufacturing Mephedrone Crystal Powder in a factory set up at Bhagvatipur village near Varanasi, in the house of one Pradip Prajapati.

4. In a raid at the said location, one Atul Ashokkumar Singh and Santosh Gupta were found along with instruments used in the manufacturing of MD powder. A Hyundai car at the site was found to contain approximately 2,645 kilograms of MD. Several chemicals and laboratory instruments—such as Mephedrone, Methylamine, Sodium Hydroxide pellets, Hydrochloric acid, chloroform, ovens, mixers, magnetic stirrers, jars, and ready mixture of 25 kg crystal MD powder—were seized.

5. During further investigation, the involvement of accused Gulshan Yadav was also revealed. He was allegedly a part of the

syndicate headed by the wanted accused Om Gupta. Accused Anil Jaiswal was also arrested from a supply centre and found in possession of chemicals and tools for preparing MD. It is alleged that he had sold a portion of the prepared MD to one Saini Rodrigues @ Sarita Sarkar from Nalasopara for ₹1,40,000/-, and another sum of ₹5,50,000/- was handed over to accused Dilip Shiv Ashray Jaiswal. The said accused is said to have used this money to redeem his mother's pledged gold from Muthoot Finance and to repay ₹3,00,000/- borrowed from one Yusuf for the purchase of a car.

6. The investigation then led to the arrest of accused No.9 Tiwari and applicant accused No.10 Lalit @ Sonu Pathak for their alleged association with the accused gang. Further arrests were made, including Accused Nos.11 to 14, namely Anil Jaiswal, Nilesh Pande, Vijay Pal, and Bindu Patel, for their alleged involvement in the criminal conspiracy.

7. As far as the present applicant is concerned, the specific allegation made by the prosecution is that he paid an amount of ₹1,29,000/- to one Ramani, who is cited as a witness in this case. It is also alleged that the applicant had trained the person who later became the manufacturer of the contraband approximately three years prior to the incident.

8. Learned counsel for the applicant has pointed out the panchnama dated 24th February 2024 and the statement of Ramani recorded on 5th July 2024 to argue that the raw materials for manufacturing the contraband were in fact supplied by Max

Enterprises from Vapi, Gujarat, and not sourced due to the funds paid by the applicant. It was therefore contended that the connection of the applicant to the present offence is not substantiated.

9. On the other hand, the learned APP opposed the bail and submitted that the funds paid to Ramani were indeed towards the procurement of chemicals to manufacture contraband.

10. However, on perusal of the material in the charge sheet, it appears that the role of the applicant is limited to having imparted training to the manufacturer, and that too about three years prior to the date of incident. There is no direct evidence to show that the applicant had any active or recent role in the preparation or trafficking of the contraband.

11. Moreover, the panchnama dated 24th April 2024, and other investigation material, reflect that the raw materials used were supplied independently by Max Enterprises. This, at this stage, dilutes the prosecution case that the money paid by the applicant was directly linked to the manufacture of the seized contraband.

12. Considering the nature of allegations, the period of time since the alleged act of "training", and the materials presently available, this Court is of the view that the applicant has made out a prima facie case for grant of bail. The applicant does not appear to be in possession of any contraband, and there is no recovery from him. His alleged act appears to be remote in time and nature from the main seizure or trafficking of narcotics.

13. In view of the above, the applicant is entitled to be released

on bail with suitable conditions.

14. The applicant Lalit Alias Sonu Rakeshchandra Pathak is directed to be released on bail in connection with Crime No.186 of 2024, registered with Kasarwadavali Police Station for offences under Sections 22, 22(b) read with 8(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) (each) with one or more solvent sureties in the like amount, to the satisfaction of the Special NDPS Court, subject to the following conditions:

- a) The applicant shall not tamper with the evidence or attempt to influence any witness.
- b) The applicant shall attend all trial proceedings regularly and shall not delay the conduct of the trial.
- c) The applicant shall report to the Kasarwadavali Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
- d) The applicant shall not leave the territorial jurisdiction of the Court without prior permission of the learned Special Court.
- e) The applicant shall furnish his current residential address and contact number(s), and shall inform the Court and Investigating Officer of any change.
- f) The applicant shall not involve himself in any offence under the NDPS Act or any other penal law during the

pendency of the trial.

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

15. The bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)