

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

CRIMINAL BAIL APPLICATION NO. 5309 OF 2024

Nishant Shashikant Modi	...Applicant
Versus	
Union of India And Anr.	...Respondents

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Mr. Parvez Memon a/w Mr. Pratik Karande, Aditya Talpade and Namasvi Bhanushali, Advocate for the Applicant.

Mr. Shriram Shirsat (S.PP) a/w Mr. Karishma Rajesh, Mr. Nikhil Daga, Mr. Nishad Mokashi and Mr. Shekhar Mane for the Respondent No.1-NCB.

Mr. C.D. Mali, A.PP for the Respondent No.2-State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	06th JANUARY, 2025.

P.C.:

1. This is an application for temporary bail.
2. The Applicant came to be arrested in Crime F. No. NCB/MZU/CR-11/2024 arising out of C.R. No.38 of 2024 registered with Samarth Police Station, Pune City for offences punishable under Sections 8(c) r/w Sections 22(c), 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act").
3. The learned counsel for the applicant submits that wife of the applicant is pregnant and her due date of delivery is

04/02/2025. It is submitted that presence of the applicant with her is necessary as she is a case of previous lower segment cesarean section. It is submitted that, thus the applicant may be released on temporary bail for a period of four weeks.

4. On the other hand, Mr. Shriram Shirsat, learned Special P.P. submits that the applicant is involved in serious offence of drug trafficking and the investigation is still going on. It is submitted that if the applicant is released he may attempt to tamper with evidence. It is thus submitted that the applicant may not be released even on temporary bail.

5. The involvement of the applicant in the present crime is alleged on the basis of certain financial transactions between him and co-accused Devendra Yadav. According to the prosecution the present applicant was financing drug trafficking. Be that as it may, after the involvement of the applicant was allegedly surfaced in the crime in question, he was called and his statement was recorded on 23/08/2024, 26/08/2024, 28/08/2024 and 30/08/2024. He was thereafter called on 09/09/2024 and ultimately arrested on 17/09/2024. If the applicant had any intention to tamper with the evidence, he would have easily done it before his arrest. Considering the overall facts and circumstances, I am inclined to

release the applicant on temporary bail for the period of four weeks on certain conditions. In the result, the following order is passed:

ORDER

- (i) The applicant shall be released on bail in Crime F. No. NCB/MZU/CR-11/2024 arising out of C.R. No.38 of 2024 registered with Samarth Police Station, Pune City for offences punishable under Sections 8(c) r/w Section 22(c), 27A, 28 and 29 of the NDPS Act, on furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount for the period of four weeks;
- (ii) The applicant after his release, shall attend the Office of Narcotics Control Bureau, Mumbai Zonal Unit, Mumbai every alternate day between 11.00 am. to 2.00 pm.
- (iii) The applicant immediately after his release shall deposit his passport with Narcotics Control Bureau, Mumbai Zonal Unit, Mumbai.
- (iv) The applicant shall surrender on expiry of the said period of four weeks and it is made clear that no extension will be granted.
- (v) The applicant shall not indulge in any activities which would hamper the investigation.
- (vi) The Application is disposed of.

(N. R. BORKAR, J.)