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

**BAIL APPLICATION NO.5432 OF 2024**

|                           |                 |
|---------------------------|-----------------|
| Amit Prakash Patel        | ... Applicant   |
| <b>V/s.</b>               |                 |
| The Union of India & Anr. | ... Respondents |

Mr. Pranay Saraf with Ms. Riddhima Mangaonkar for the applicant.

Mr. Shreeram Shirsat with Mr. Nikhil Daga and Ms. Antara Kulkarni for respondent No.1-UoI.

Mrs. R.V. Newton, APP for respondent No.2-State.

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**CORAM : AMIT BORKAR, J.**

**DATED : JUNE 18, 2025**

**P.C.:**

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Special Case No.1526 of 2021 registered with the Narcotics Control Bureau (NCB) for offences punishable under Section 8(c) read with Sections 20(c), 28, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The prosecution case, briefly stated, is that the officials of the Narcotics Control Bureau received credible information that two persons, namely Rajwinder Singh and Gurmeet Singh, were planning to deliver contraband (narcotic substance) and accept cash in return, and the meeting for this transaction was arranged at Sri Guru Singh Sabha Gurudwara, situated on Dr. Ambedkar

Road, Dadar, Mumbai. Acting upon this information, a raid was conducted by the NCB team, and during the raid, the officials reached Room No. 310 of the said Gurudwara, where four individuals were found present—namely, Rajwinder Singh, Gurmeet Singh, Kamlesh Gupta, and the present applicant. On searching, an amount of Rs.2,20,000/- was found in possession of Kamlesh Gupta. As per the prosecution, Kamlesh voluntarily disclosed that this cash was meant for the purchase of Charas. He also informed that the contraband was stored at his residence. Following this disclosure, a recovery was effected from Kamlesh's house as per due procedure. Subsequently, searches were also conducted at the residences of the other co-accused.

3. Insofar as the present applicant is concerned, the role attributed to him by the prosecution is that of facilitating the delivery of contraband from Rajwinder Singh and Gurmeet Singh to Kamlesh Gupta. Thus, according to the prosecution's own case, the role of the present applicant is limited and is not one of possession or actual delivery of the contraband.

4. Learned Advocate for the applicant has submitted that Kamlesh Gupta, from whose possession the cash was recovered and in whose house the Charas was allegedly found, has already been released on bail by this Court vide order dated 12th December 2024. It is submitted that the role of the present applicant is far lesser in gravity as compared to that of Kamlesh Gupta, and therefore, on the principle of parity, the present applicant also deserves to be released on bail.

5. Per contra, learned Additional Public Prosecutor (APP) has opposed the bail application. It is submitted that the offences under the NDPS Act are of serious and grave nature, and that the applicant's involvement in a drug-related conspiracy cannot be lightly viewed. It is also contended that the principle of parity cannot be automatically applied in every case, particularly when the nature of involvement and individual role in the commission of the offence requires separate appreciation. Hence, according to the prosecution, the applicant does not deserve to be released on bail.

6. I have carefully considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. I have also perused the charge-sheet, panchanama, statements of the witnesses, and the other material placed on record by the prosecution.

7. The main allegation against the present applicant is that he was present at the spot along with co-accused Rajwinder Singh and Gurmeet Singh, and allegedly acted as a link in the chain of delivery of contraband to Kamlesh Gupta. However, it is pertinent to note that no contraband was recovered from the personal possession of the applicant. The recovery of Charas is shown from the residence of co-accused Kamlesh Gupta, who is alleged to have admitted that he was to purchase the contraband and from whose possession the sum of Rs.2,20,000/- was found.

8. It is also not the case of the prosecution that the applicant was found in exclusive or conscious possession of the narcotic substance. His alleged role appears to be confined to

accompanying or assisting the co-accused during the meeting where the transaction was to take place. Furthermore, the co-accused Kamlesh Gupta, who was in actual possession of the contraband and cash, has already been granted bail by this Court vide order dated 12th December 2024. In comparison, the role of the present applicant, even as per the prosecution's case, appears to be lesser in gravity.

9. The material on record does not suggest any previous criminal antecedents against the applicant. He is a local resident and there is no indication that he is a flight risk or would abscond if released on bail. The trial is likely to take considerable time, and continued incarceration of the applicant, in the absence of stronger material indicating deeper involvement, would amount to pre-trial punishment.

10. It is well settled that the principle of parity can be invoked in appropriate cases where the co-accused, with graver or comparable allegations, has been granted bail. In the present case, considering that the prime accused Kamlesh Gupta has been enlarged on bail, and the applicant's role appears secondary, I am of the opinion that the applicant is entitled to the benefit of parity, subject to appropriate conditions to ensure his presence for trial.

11. At the same time, considering the seriousness of the offence and the possibility of tampering with evidence or influencing witnesses, certain stringent conditions are required to be imposed while granting bail.

12. Hence, the following order is passed:

- (a) The bail application is allowed.
- (b) The applicant shall be released on bail in connection with Special Case No.1526 of 2021 registered with Narcotics Control Bureau, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court.
- (c) The applicant shall attend the Trial Court on every date of hearing, unless specifically exempted by the Court.
- (d) The applicant shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- (f) The applicant shall report to the concerned Police Station on the first Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.
- (g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

**(AMIT BORKAR, J.)**