

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 993 OF 2025

Pravin Dilip Wathela ..Applicant
Versus
The State of Maharashtra ...Respondent

Adv Zehra Charania, with Ayaz Khan, Dilip Mishra and Mallika
Sharma, for the Applicant
Mr. S.S. Ghag, APP, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATED : 18th SEPTEMBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. This Application is preferred being aggrieved by an order dated 8th September 2025, passed by the learned Special Judge in NDPS Special Case No. 76 of 2017, Court of Sessions, Greater Bombay, on an Application to travel abroad (Exhibit “202”), whereby the said Application came to be rejected.
3. The Applicant is facing trial in NDPS Special Case No. 76 of 2017 for the offences punishable under Section 22(c) and 29 of the read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS Act 1985”). The Applicant preferred an Application

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seeking permission to travel abroad to Europe along with his wife and daughter during the period of 30th October 2025 and 9th November 2025 for CPHI event at Frankfurt, Germany.

4. The prosecution resisted the Application on the ground that, the trial in NDPS Case No. 76 of 2017 has reached an advanced stage. Huge quantity of Mephedrone was found in the possession of the Applicant. Therefore, there is reasonable apprehension that, the Applicant may abscond if he is permitted to travel abroad.

5. The learned Special Judge was of the view that, the Applicant is seeking permission to travel abroad for a joy trip. The trial is at a fag end. Huge quantity of Mephedrone was allegedly recovered from the possession of the Applicant. Therefore, the learned Special Judge found the apprehension on the part of the prosecution justifiable.

6. The learned Counsel for the Applicant submitted that, the Applicant had traveled in the past to foreign countries and returned to India in compliance with the conditions subject to which he was permitted to travel abroad. For the very same event, the Applicant was permitted to travel abroad in the previous year. Attention of the Court was invited to the orders dated 5th October 2024 and 5th April 2025, whereby the Applicant was permitted to travel abroad. The apprehension on the part of the prosecution is, therefore, wholly unsustainable.

7. The learned APP supported the impugned order. It was urged that, as the trial has reached an advanced stage, the permission to travel abroad is fraught with the risk of abscondence. It was further submitted that, the Applicant has failed to make out a case of necessity of travel to Europe. Therefore, the impugned order is well merited, submitted the learned APP.

8. I have given anxious consideration to the rival submissions and the material on record. It appears that, the trial has reached an advanced stage. However, the fact remains that the Applicant was permitted to travel abroad twice in the previous year itself. It is not the case that, the Applicant has breached any of the conditions on which those permissions were granted. It is imperative to note that by the order dated 5th October 2024, the Applicant was permitted to travel abroad to attend the very same CPHI event, which was then held at Milan, Italy. The Applicant seems to have been participating in the trial. It appears that the Applicant has roots to bring home back to India.

9. In these circumstances, the apprehension on the part of the prosecution, especially having regard to the past conduct of the Applicant, does not seem justifiable.

10. I am, therefore, inclined to allow the Application. Hence the following order:

: O R D E R :

- (i) The Applicant is permitted to travel to Europe from 27th October 2025 to 11th November 2025
- (ii) The Applicant shall deposit of Rs.3,00,000/- as a security before the Special Court. If any earlier deposit is with the Court, the Applicant shall deposit the balance amount only.
- (iii) The Applicant shall furnish the details of the travel itinerary and likely places he intends to visit.
- (iv) The Applicant shall share his cellphone number and the places where the Applicant will be available during the course of his stay at Europe and the Applicant shall always be accessible to the Investigating Agency, on phone.
- (v) No adjournment shall be sought on the ground that the Applicant is traveling abroad.
- (vi) The Applicant shall file an undertaking to comply with aforesaid conditions, within one week from today.
- (vii) Upon complying with the aforesaid conditions and undertaking, the passport, if in the custody of the Court, be returned to the Applicant.

(viii) Upon his return from Europe, the Applicant shall forthwith surrender his passport before the Court.

Application disposed.

[N. J. JAMADAR, J.]