

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.12 OF 2025**

Dilip Shivashray Jaiswal	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Dilip Mishra a/w Ayaz Khan and Zehra Charania, *for the Applicant.*

Mr. Yogesh Y. Dabke, *APP for the Respondent - State.*

Mr. Vijay More, API, Crime Branch Unit – I, Thane, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 29th SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.186 of 2024 dated 25.01.2024 registered with the Kasarwadavli Police Station, for the offences punishable under Sections 8(c), 22(b), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. It is the case of the prosecution that, 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 Mephedrone (MD) powder. Upon 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 also alleged that Accused No.2 was in frequent contact with one Om Gupta @Monu on mobile phone. It is further the case of the prosecution that on information gathered from the co-accused they raided a factory premises at Uttar Pradesh where they found 4 accused namely Anil Jaiswal, Nilesh Pande, Vijay Pal and Bindu Patel. 25 grams of Mephedrone alongwith other chemicals were recovered from the factory premises. The Applicant is the brother of the Accused namely Anil Jaiswal i.e. Accused No.11 in the criminal case. He disclosed to the prosecution that out of the amount received by him from the sale of Mephedrone, an amount of

Rs.5,50,000/- was given to the Applicant by his brother. It was then revealed that out of Rs.5,50,000/- the Applicant recovered his mother's jewellery which was pledged with a Jeweller and he used rest of the money to repay a loan procured by him to purchase a car. It is on this basis that the Applicant is implicated in the present criminal case and charge-sheet is filed against him as well. The Applicant was arrested on 24th April, 2024.

3. The Applicant had filed a bail application before the Trial Court, however, the Trial Court by its order dated 12th November, 2024 rejected the said bail application. Hence, the Applicant has filed the present bail application for the reliefs as prayed.

4. Mr.Mishra, learned counsel appearing for the Applicant submits that out of the 14 accused, Accused Nos.1, 3, 6, 7 and 9 to 14 are granted bail. It is only Accused Nos.2, 4, 5 and the present Applicant who are suffering incarceration. He submits that nothing was recovered from

the Applicant and it was only on the statement of his brother i.e. Accused No.11, that there was some money given by him to the Applicant, that he was implicated in the present case. He submits that till date even charges are not framed. He thus submits that the Applicant be released on bail.

5. Per contra, Mr.Dabke, learned APP resists the grant of bail by saying that the money given to the Applicant by Accused No.11 i.e. his own brother, was from the proceeds of the sale of drugs. He also submits that present Applicant was well aware and conscious of the said fact and yet he used the said money for his own purposes. There was a conspiracy between all the accused. He thus, resists the grant of bail.

6. I have heard learned counsels for the parties and perused the record of the case with their assistance.

7. As argued by Mr.Mishra, learned counsel for the Applicant, it is *prima facie* seen that the only connection of the present Applicant with the offence is that he received

some amount from his brother i.e. the Accused No.11, which he used to recover his mother's pledged jewellery and also to pay some of his own debts. There is contraband recovered from him. There is no material to indicate that the Applicant is involved in the present offence. The Applicant is in custody since 24th April, 2024 and admittedly, even charges are not framed. There are no antecedents as far as the Applicant is concerned. In these circumstances, I am of the view the the rigours of Section 37 are satisfied and I am inclined to release the Applicant on bail. Hence, I pass the following order:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) Applicant shall also attend the concerned Police Station once in a month between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)