

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

Criminal Bail Application No.74 of 2025

Ravindra Kulbir Singh
Age: 31 yrs, Occ: Nil,
R/at -Radhaswami Satyangbhavan,
Jammukaul, Biyamunanagar,
Bhigwan, Pune.
(at present Yerwada Central Jail,
Pune).

... Applicant/Org.Accused
No.2.

Vs.

The State of Maharashtra
Through Bhigwan Police Station ... Respondent.

a/w

Criminal Bail Application No.775 of 2025

Sukhvinder Niranjana Singh
Age: 35 yrs, R/at : Radha Swami
Satsang Bhavan, Jammu Colony,
B Yamuna Nagar Haryana.
(presently in Yerawada Jail, Pune)

... Applicant.

Vs.

The State of Maharashtra
Through PI Bhigwan Police Station,
Indapur, Dist-Pune

... Respondent.

Ms Nagma Chaudhary i/by Sumit Chaudhary for the
applicant in BA/74/2025.

Mr Bhalchandra Shinde for applicant in BA/775/2025.

Mr Arfan Sait, APP for the respondent / State.
PSI Amit Patil, Bhigwan Police Station, Pune (Rural).

Coram : R.N.Laddha, J.
Date : 8 December 2025.

P.C. :

Heard the learned Counsel for the applicants and learned Additional Public Prosecutor representing the respondent/ State.

2. The applicants in these bail applications are seeking bail in connection with C.R.No.258 of 2024 registered at Bhigwan Police Station, Pune, for the offences punishable under Sections 8(c) and 17(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. On 03 August 2024, at about 16:14 hours, acting upon specific telephonic information received from one Shubham Duggal, police personnel proceeded to the vicinity of the gate of Built Company, situated at Kondwadi, Taluka Indapur. Upon arrival, a truck bearing Registration No. HR-58-C-1307 was found stationed at the said location. During the subsequent inspection of the vehicle, the present applicants were discovered inside the truck in possession of

a bag containing a contraband substance, namely opium powder, the total weight of which was ascertained to be 9.80 kilograms. Accordingly, after completing the mandatory provisions contemplated the applicants were apprehended for having been found in conscious possession of the aforementioned narcotic substance within the meaning of the applicable provisions of law.

4. The learned Counsel appearing on behalf of the applicants jointly submit that the applicants are innocent and have been falsely implicated in the alleged offence. It is contended that the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, are not attracted in the facts of the present case, and that there exist reasonable grounds to believe that the applicants are not involved in the commission of the alleged crime.

5. The learned Counsel further submit that there is no material on record to indicate that the applicants have produced, manufactured, possessed, sold, purchased, transported, warehoused, used, or in any manner consumed any contraband substance. Consequently, the provisions of Section 8(c) of the NDPS Act are not applicable to the

present matter. It is further argued that the alleged contraband is stated to weigh only 9.80 Kgs and that the authorities have illegally included the weight of the entire opium leaves while determining the quantity, contrary to the law. The investigating agency is also alleged to have failed to comply with the mandatory procedural safeguards prescribed under Sections 41, 42, and 50 of the NDPS Act, thereby vitiating the investigation.

6. Moreover, it is submitted that the investigation has already been completed and the charge sheet has been filed before the competent court. The applicants have been in custody since 13 August 2024, and there remains nothing further to be recovered or discovered at their instance. Hence, continued incarceration of the applicants serves no purpose.

7. On the other hand, the learned Additional Public Prosecutor vehemently opposed the applicants' prayer for grant of bail. It is submitted that the provisions of the NDPS Act have been duly adhered to and that the statutory requirements, including the preparation of the inventory, were carried out strictly in accordance with the procedure

established by law. Hence, the contention of the applicants regarding any alleged non-compliance of the mandatory provisions of the NDPS Act is without merit.

8. It is further submitted that the applicants were found in conscious possession of the contraband substance. The report of the Forensic Science Laboratory unequivocally establishes that the seized material contained Morphine along with other opium alkaloids, thereby confirming that the recovered substance falls within the ambit of the contraband defined under the NDPS Act.

9. The prosecution also relies upon the statement of one Shubham Duggal, who was travelling with the applicants in the said truck. It is stated that he voluntarily informed the police authorities regarding the transportation of the contraband articles. His statement discloses that on 27 July 2024, when they had reached near Sendhwa and halted at a hotel, the applicants had brought the bag containing the contraband substance. Upon inquiry, the applicants did not disclose to him the contents of the said bag, thereby indicating their exclusive knowledge and possession. The learned APP relied on (i) Union of India through Narcotic Control Bureau, Lucknow vs. MD. Navaj Khan, (2021)10 SCC 100 and (ii)

Jafar Asif Sayyed vs The State of Maharashtra, Bail Application No.2511 of 2023 dated 12 March 2024.

10. This Court has given anxious consideration canvassed across the Bar and perused the records. Upon perusing the records, it is evident that there exists no substantial controversy with respect to the factual matrix of the case. The record discloses that, on the date of the incident, the applicants were apprehended while transporting the alleged contraband substance in a truck. A total of 9.80 kilograms of contraband is stated to have been recovered from their possession.

11. The report of the FSL which appears to have been issued upon due analysis of the samples drawn, unequivocally indicates the presence of Morphine along with other opium alkaloids. The record further reveals that the inventory proceedings contemplated under Section 52-A of the NDPS Act, were duly conducted. Prima facie, there is nothing on record to demonstrate non-compliance with any of the mandatory provisions of the NDPS Act. On the contrary, the material suggests that the applicants were in conscious possession of the recovered contraband. The nature of the offence is grave and strikes at the very fabric of society.

12. In view of the totality of the circumstances and the material available on record, this Court finds no merit in the submissions advanced on behalf of the applicants to the effect that no prima facie case is disclosed. Consequently, the present applications for bail stand rejected. However, considering the facts and circumstances of the case, the learned Trial Court is requested to expedite the trial proceedings.

[R. N. Laddha, J.]