

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 945 OF 2025

Vicky Bharat Kalyani

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Vishal V. Rankhambe a/w Mr. Chaitanya M. Bagul & Mr. Afsar Ansari for Applicant
- Ms. Shilpa K. Gajare-Dhumal, APP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 6, 2025

P. C.:

1. Heard Mr. Rankhambe, learned Advocate for Applicant and Ms. Gajare-Dhumal, APP for State.

2. Applicant - accused No. 2 stands indicted for offence punishable under NDPS Act in Crime No. 410/2023. Accused No. 1 was apprehended and arrested along with the alleged contraband namely 2 kilograms of Charas being commercial quantity while getting off from the Rajdhani Express train on Mumbai Central Railway Terminus Station.

3. *Prima facie* it is observed that no contraband was recovered from the personal search of Accused No. 1. However, according to the prosecution, upon the search of a black bag, the alleged contraband was found therein. That is so in so far as accused No. 1 is concerned.

Present Applicant is indicted solely on the statement recorded of accused No. 1 wherein he has stated that present Applicant is a supplier of the alleged contraband. Save and except the statement of the co-accused, Mr. Rankhambe submits that there is no shred of evidence *prima facie* discernible from the chargesheet filed by the prosecution showing the nexus or role of the Applicant.

4. Considering the aforesaid submissions and indictment of present Applicant solely on the basis of the statement of co-accused and no conscious recovery of possession of any alleged contraband from him, his case is covered by the decision in the case of the Supreme Court in the case of *Phundreimayum Yas Khan Vs. State (NCT of Delhi)*¹ for bail.

5. Learned APP shall take cognizance of the above submissions and accordingly apprise the precise role of the Applicant in the crime as also his nexus. She shall take appropriate instructions on the ground whether the Applicant has indulged in money transaction with accused No. 1 or if there is any money trail traced to or *qua* the present Applicant and accordingly apprise the Court on the same.

6. In view of the above, the present Application shall be heard and disposed of on the next adjourned date. The prosecution is directed to take note of the same.

1 2023 SCC OnLine 135

**7. Stand over to 27th March, 2025. To be shown on
Supplementary Board.**

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[MILIND N. JADHAV, J.]

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signed by
RAVINDRA
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