

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.988 OF 2025

Sandeep Jagish Tomar

.. Applicant

Versus

State of Maharashtra

(Through Narcotics Control Bureau, Mumbai

Zonal Unit)

.. Respondent

-
- Mr. Darshit Jain, Advocate for Applicant.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 07, 2025

P.C.:

- 1.** Heard Mr. Jain, learned Advocate for Applicant.
- 2.** Applicant holds a distribution license for pharmaceutical products namely distribution of cough syrup. Mr. Jain would inform the Court that Applicant is in incarceration since 2023 in another crime but in so far as present crime is concerned he is incarcerated from 13.03.2024 and he is in prison till today. He would submit that there are two other crimes registered against Applicant but in both those crimes Applicant is granted bail. He would submit that it is incomprehensible to fathom that Applicant being in custody since the year 2023 would be involved in the present crime but as per prosecution case licence of Applicant has been misused by the Manager of Applicant without his knowledge and consent in transacting the alleged contraband namely Codeine Phosphate syrup. He would

submit that in the entire charge-sheet no nexus whatsoever of Applicant has been shown in the present crime in question save and except the statement of Accused No.3 namely Manager of Applicant who has stated that procurement of alleged contraband was made under the distribution licence of Applicant and nothing more.

3. Mr. Jain would fairly submit that apart from misuse of licence, Bank Account of Applicant was also used for carrying out the aforesaid transaction of alleged contraband without Applicant's knowledge.

4. Mr. Jain would also inform the Court that in so far crime in which Applicant is incarcerated since 2023 is concerned, Bail Application has already been heard by Trial Court at Bhiwandi and Applicant is awaiting orders in the same. He has referred to twin orders passed by the Court in two other cases indicting Applicant where he has been granted bail while considering the aforesaid facts. Those orders are appended at page Nos.1645 and 1651 of the Application.

5. Considering that Respondent is Narcotics Control Bureau of the State and no Advocate is present today, despite they having been served with copy of Application by the Advocate for Applicant, they are directed to ensure appropriate representation of counsel on the next adjourned date. Respondent – Narcotics Control Bureau is directed to

take cognizance of the aforesaid submissions made by Mr. Jain and accordingly apprise the Court if there is digression or variance *qua* the charge-sheet which has been filed.

6. If Respondent- Narcotics Control Bureau wants to file any Affidavit-in-Reply they shall do so positively before the next adjourned date. It is clarified that no time shall be granted to the Respondents and if their Counsel does not remain present, the matter will be heard and decided on its own merits.

7. Copy of this order shall be forthwith be served on Advocate for the Respondent - Narcotics Control Bureau.

8. Considering the above facts Application of Applicant shall be considered accordingly on next adjourned date.

9. Stand over to **21st March, 2025.** To be placed on 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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