

Shabnoor

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

BAIL APPLICATION NO. 1028 OF 2025

Ravikant Suryakant Kamble	... Applicant
V/s.	
State of Maharashtra	... Respondent

Ms. Khush Khandelwal for the Applicant.

Ms. Shilpa G. Talhar, APP for the State – respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2025

P.C.:

1. This is a bail application preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973. The applicant seeks his release in connection with Crime Register No. 373 of 2023 registered with Kalwa Police Station for the offences punishable under Sections 8(c), 20, 22, 23, and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "NDPS Act").

2. The prosecution's case, in brief, is that on receipt of reliable oral information from a secret informer that a vehicle, specifically an Ashok Leyland Tempo, was transporting ganja through the Belapur–Thane highway, the police laid a trap and began chasing the said vehicle. It is stated that the driver of the tempo fled from the spot upon being intercepted. However, the applicant was

apprehended on the spot. Upon search of the tempo, four yellow sacks were found, and they contained ganja weighing approximately 88.765 kilograms, which is above the commercial quantity as defined under the NDPS Act.

3. Learned Advocate appearing for the applicant submitted that the applicant has been falsely implicated. He contends that there is no direct recovery of ganja from the personal possession of the applicant. It is also submitted that the driver, who is the main person alleged to have transported the contraband, had absconded. The applicant was not the owner or registered driver of the said vehicle. Learned counsel further submitted that the case of the prosecution primarily revolves around the role of Accused No.2, who is alleged to have financed the transaction through one Sanjay Changlani, who in turn transferred the money to Accused No.3. The applicant is not shown to have played any such role. On these grounds, the learned Advocate prayed for release of the applicant on bail.

4. Per contra, learned APP for the State strongly opposed the application. It is submitted that the applicant was found present in the vehicle at the time of seizure and was apprehended on the spot along with the contraband. The quantity of ganja seized from the tempo is more than commercial quantity, which attracts the bar under Section 37 of the NDPS Act. It is further submitted that the CDR (Call Detail Record) report indicates that the applicant was in constant touch with Accused No.1, and the same demonstrates a prima facie link between the applicant and the other accused. In view of the seriousness and gravity of the offence, it is argued that

the applicant does not deserve to be enlarged on bail.

5. I have carefully perused the chargesheet, the statements of the panch witnesses, the seizure panchanama, and other material available on record. It is seen that when the tempo in question was intercepted by the police based on secret information, the driver of the vehicle managed to escape from the spot. The applicant, however, was present in the vehicle and was apprehended. The prosecution alleges that the vehicle was carrying ganja weighing 88.765 kilograms, which is more than commercial quantity under the NDPS Act.

6. From the chargesheet, it also appears that Accused No.2 is alleged to have financed the transaction by sending money to Accused No.3, who has already been released on bail by this Court. The applicant has not been attributed with any overt act of financing, nor has any recovery been made from his personal possession. Further, the record shows that the applicant was arrested on 17th July 2023, and since then he is in custody. As on date, the charges are yet to be framed, and no substantial progress appears to have been made in the trial. Given the volume of evidence and number of witnesses, there is little possibility that the trial will be concluded in the near future.

7. It is also pertinent to note that the applicant has no previous criminal antecedents. There is nothing on record to indicate that he is a habitual offender or has previously been involved in any similar activity.

8. Considering the overall factual matrix, including the fact that Accused No.3, who is alleged to have received funds from Accused No.2, has been released on bail, and the fact that the driver of the vehicle, who may be the key person involved in transportation of the contraband, has absconded, and that the applicant's precise role is under trial and yet to be proved, I am of the view that the applicant also deserves to be released on bail.

9. It is made clear that this Court is not expressing any opinion on the merits of the case, and the observations herein are only for the purpose of deciding the present bail application. However, to balance the liberty of the applicant with the interest of justice, and to ensure that the applicant does not misuse the bail or tamper with evidence or influence witnesses, it is necessary to impose stringent conditions while granting bail.

10. In view of the above discussion and legal position, the following order is passed:

(a) The Bail Application is allowed.

(b) Considering the facts, the applicant, *Ravikant Suryakant Kamble*, shall be released on cash bail of ₹50,000/- (Rupees Fifty Thousand only) in connection with Crime Register No. 373 of 2023 registered with Kalwa Police Station for offences punishable under Sections 20, 22, 23, 8(c), and 25 of the NDPS Act.

(c) Within a period of four weeks from the date of his release, the applicant shall furnish a Personal Bond of ₹50,000/- (Rupees Fifty Thousand only) with one or more

solvent sureties in the like amount, to the satisfaction of the Special NDPS Court, subject to the following conditions:

(d) The applicant shall not tamper with the evidence or attempt to influence any witness.

(e) The applicant shall attend all trial proceedings regularly and shall not delay the conduct of the trial.

(f) The applicant shall report to the Kalwa Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(g) The applicant shall not leave the territorial jurisdiction of Thane District without prior permission of the learned Special Court.

(h) The applicant shall furnish his current residential address and contact number(s), and shall inform the Court and Investigating Officer of any change.

(i) The applicant shall not involve himself in any offence under the NDPS Act or any other penal law during the pendency of the trial.

(j) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.

11. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)