

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 1217 of 2025**

Sunil Madhavrao Mohite @ Belgar ...Applicant  
Versus  
State of Maharashtra \_\_\_\_\_ ...Respondent

**Ms. Zehra Charania a/w Ayaz Khan a/w Dilip Mishra a/w  
Mallika Sharma, for the Applicant.**  
**Mr. Yogesh Dabke, APP for the State-Respondent.**  
**API – Jadhav, Unit – 9, is present.**

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**CORAM    Dr. Neela Gokhale, J.**  
**DATED:    14<sup>th</sup> November 2025**

**PC:-**

**1.** The Applicant seeks his release on bail in connection with FIR No. 11 of 2024 dated 15<sup>th</sup> February 2024 registered with DCP CID Unit-V, Kurla, Mumbai for the offences punishable under Sections 8(c), 20(c), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

**2.** The facts of the case, in brief, are that on the basis of information received by the police of Navghar Police Station,

Bhayandar (East) on 15<sup>th</sup> February 2024, a trap was laid by the police. The accused Nos. 1 and 2 were found to be in possession of 274 Kg and 100 Kg of *Ganja* respectively. During investigation, the other accused including the present Applicant was found to be involved in the conspiracy in committing the said offence. Pursuant to the FIR registered against the accused, the present Applicant was arrested on 15<sup>th</sup> February 2024. The chargesheet is filed on 6<sup>th</sup> August 2024. However, till date, charges are not framed.

**3.** The Applicant made a bail application before the Special Judge, NDPS, Greater Bombay. However, by order dated 24<sup>th</sup> February 2025, the said application was rejected.

**4.** Ms. Zehra Charania, learned Counsel for the Applicant, submits that no recovery was made from the present Applicant. She contends that the Applicant's name is not there in the information note. The information note only mentions Sunil from Jalgaon. She submits that the Investigating Officers have confused the Applicant with another person named Sunil

Belgar from Jalgaon. She further submits that the only material against the Applicant is a statement of the co-accused who were found in possession of commercial quantity of *Ganja* as mentioned herein above and the said statement is not admissible. She then, submits that the prosecution has relied on certain WhatsApp conversations and calls between the Applicant and the principal accused. However, there is no 65A certificate along with the data nor have the phones been forwarded to the FSL for the data recovery. She thus submits that the Applicant is not involved in the commission of offence and as such, the Applicant be released on bail.

**5.** Mr. Yogesh Dabke learned APP, on the other hand, submits that although there was no recovery from the present Applicant, he is very much involved in the commission of the said offence as he was in direct contact with the co-accused from whom the recovery was made. Mr. Dabke further submits that the police have recovered certain financial transactions indicating some financial dealings between the

present Applicant and the co-accused. On the basis of the financial transactions indicated in the bank statement of the present Applicant, the Investigating Agency has frozen the account of the Applicant and an amount of Rs.39,323/- yet stands frozen from his account. In these circumstances, he submits that there is a connection between the present Applicant with the co-accused from whom the recovery was made. He further submits that there are three antecedents in respect of the present Applicant concerning NDPS offences. He thus submits that the Bail Application be rejected.

**6.** I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

**7.** Admittedly, nothing was recovered from the present Applicant. There is considerable substance in the argument of Ms. Charania that the identity of the present Applicant is not completely established to be the same person with whom the chats have been exchanged as also the fact of the bank

account statement is recovered. *Prima facie*, there is nothing on record, at this stage, to indicate that it is the present Applicant placing the order for the contraband, for the purpose of distributing it to the consumers as depicted in the statement in the chargesheet. As on date, there is nothing to indicate the involvement of the present Applicant in the said offence. Undoubtedly, there are three antecedents against the present Applicant. However, the said antecedents came to light only after his arrest as Sunil Belgar. The fact of the Applicant having prior antecedents is not significant in the present case since it is not the Applicant who is *prima facie* complicit in the present offence. In all the previous offences, the present Applicant is on bail.

**8.** In view of the aforesaid, I am of the opinion that it is likely that the Applicant has not committed the present offence and hence, I am inclined to enlarge the Applicant on bail, and it is ordered as under:

### **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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed by the Trial Court. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- v) 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;

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

vii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

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

(Dr. Neela Gokhale, J)