

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

BAIL APPLICATION NO.1592 OF 2025

Shibalukumar Bhola Saroj

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Rajendra S. Bidkar, *for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the Respondent - State.*

Mr. Sachin S. Kadam, Crime Unit-3, Kalyan, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 25th SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.688 of 2024 dated 29.06.2024 registered with the Mahatma Phule Police Station, for the offences punishable under Sections 8(c), 22(b), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The case of the prosecution is that the Applicant, a resident of Uttar Pradesh, was found in possession of approximately 19.300 Kgs of Ganja, the value of which is

approximately Rs.3,16,0500/-. On investigation it was found that the said contraband was brought from Andhra Pradesh through one Takla Bhai, also a resident of Andhra Pradesh, for the purpose of selling it to the customers in Mumbai. The Applicant was arrested on 29th June, 2024. After investigation, charge-sheet came to be filed on 27th August, 2024.

3. The Applicant made a bail application before the Additional Sessions Judge, Kalyan and by order dated 20th February, 2025, his bail application was rejected. Hence, the Applicant has filed the present Bail Application before this Court for the reliefs as prayed.

4. Mr. Bidkar, learned counsel for the Applicant, at the outset, submits that the quantity of Ganja is that of a non-commercial quantity. He further contests the identification of substance recovered from him to be 'Ganja' as defined in the Act. He submits that there are no signatures of panchas on the document prepared for compliance of Section 50 of the Act. He also submits that the Applicant is in custody for 1 year and

4 months and charges are not yet framed. Hence, his fundamental right under Article 21 of the Constitution of India is violated. Hence, he seeks reliefs as prayed.

5. Ms.Bhosale, learned APP for the Respondent-State, stoutly defends the officials and submits that there is a compliance of the requirements of the Act. There is nothing wanting in the acts of the officials with respect to the provisions of the Act. However, she concedes that the quantity of contraband was 19.300 Kgs. which is non-commercial quantity. She further, submits that the co-accused is absconding and is a resident of Andhra Pradesh. She submits that if the Applicant is enlarged on bail, he is likely to alert the co-accused and hence, she resists the grant of bail.

6. I have considered the submissions of both the counsels and perused the record with their assistance.

7. Undoubtedly, contraband seized is of non-commercial quantity and hence, the rigors of Section 37 of the

NDPS Act will not apply. The Applicant is in custody for the past 1 year and 4 months and charges are not yet framed. In these circumstances, it is unlikely that the trial will conclude in foreseeable future. Hence, in view of the series of decisions of the Supreme Court upholding the right of the accused to an expeditious trial, I am of the view that this is a fit case for grant of bail. Hence, following order is passed:-

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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned; Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till charges are framed;

iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned ;

iv) The Applicant shall not leave India, without the permission of the Trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) 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;

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

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

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

(DR. NEELA GOKHALE, J)