

AGK

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

BAIL APPLICATION NO.1654 OF 2025

Rohan @ Roshan Subhash Navale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Ms. Vilasini Balasubramanian with Mr. Bharat Shinde,
Mr. Govind Mundhe, & Mr. Vinod Kendre, i/by Mr.
Prasad A. Kumthe for the applicant.

Mr. Prasanna P. Malshe, APP for the respondent-State.

Mr. Bhaskar Jadhav, API, L. CB, Raigad, is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 22, 2025

P.C.:

1. By this bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.), the applicant seeks regular bail in connection with Crime Register No. 80 of 2024 registered with Poladpur Police Station for offences punishable under Sections 8(c) and 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The prosecution case is that on 11 September 2024, Police Inspector Khade received secret information that two persons traveling in a Breeza car bearing No. MH-24-BH-1593 would attempt to sell ganja. After completing necessary formalities and in the presence of panch witnesses, the police conducted a raid at the spot. On search of the said car, they found 24.425 kilograms of

ganja.

3. During further inquiry with accused No. 1, he disclosed that one Vikky Vijay Goswami @ Chotya had come there for the purpose of selling ganja. The ganja was sealed in a plastic bag and the present crime was registered against accused Nos. 1 and 2.

4. Learned counsel for the applicant submitted that the charge-sheet attributes to the applicant the role of supplying contraband to accused No. 1, from whose possession it was seized. Except for the statement of the co-accused, there is no other material connecting the applicant with the contraband. The applicant has no criminal antecedents. The charge-sheet is already filed and investigation is complete. It is therefore submitted that the applicant deserves to be released on regular bail.

5. On the other hand, the learned APP opposed the bail application. It was submitted that the contraband seized from the conscious possession of accused No. 1 is of commercial quantity. Hence, in view of Section 37 of the NDPS Act, the applicant cannot be released on bail unless the twin conditions laid down therein are satisfied.

6. I have considered the rival submissions and perused the material on record. It is not disputed that the contraband was recovered from the possession of accused No. 1. The only allegation against the present applicant is that he supplied the contraband to accused No. 1. This allegation rests solely on the statement of the co-accused. Except this statement, no independent material or corroborative evidence has been brought

on record to connect the applicant with the seized contraband.

7. The applicant has no antecedents. The investigation is complete and the charge-sheet is filed. The continued custody of the applicant is not necessary for further investigation. The apprehension of tampering with evidence or influencing witnesses can be taken care of by imposing suitable conditions.

8. Though the seized quantity is commercial, the Court is required to examine whether there are reasonable grounds to believe that the applicant is guilty of the alleged offence and is not likely to commit an offence while on bail. On the basis of the present material, such satisfaction can be recorded in favour the applicant. Hence, the rigours of Section 37 of the NDPS Act do not stand attracted to deny bail in this case.

9. In view of the above discussion, I am of the considered opinion that the applicant deserves to be released on bail.

10. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.80 of 2024 registered with Poladpur Police Station for offences punishable under Sections 8(c) and 20 of the NDPS Act, upon furnishing a personal bond of Rs.25,000 (Rupees Twenty Five Thousnad Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(b) The applicant shall report to the concerned Police Station on first Monday of every three months between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(e) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)