

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1741 OF 2025

Nikhil Ramchandra Lohar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Atul Sarpande a/w. Mr. Kamlesh Satre and Mr. Nilesh Banger, Advocates for Applicant.
- Mr. Rushikesh M. Pethe, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 29, 2025

P.C.:

1. Heard Mr. Sarpande, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent.

2. Applicant in the present crime is indicted in offence punishable under provisions of Narcotic and Psychotropic Substances Act, 1985 (for short “**NDPS Act**”) and is incarcerated in prison since 16.11.2021 for the past 3 years 5 months 13 days pending trial.

3. There are total four Accused in the present crime. *Prima facie* it is seen that Accused No.1 is principal culprit who was apprehended and arrested with alleged contraband namely 50 grams of Mephedrone on the basis of intelligence input received by the prosecution officers. On her arrest and her enquiry under Section 67 of the NDPS Act, she disclosed the names of Accused Nos.2 and 4 as been the suppliers of the alleged contraband.

4. On the basis of said information, prosecution officers raided a farm-house where they apprehended and arrested Accused No.2 only who was the care-taker of the said farm-house belonging to Accused No.3. Accused No.3 was also subsequently arrested, as also Accused No.4.

5. Mr. Sarpande has placed before me three bail orders viz bail order dated 29.11.2024 passed in Application filed below Exhibit-40 by the Special Judge, (N.D.P.S. Cases), Greater Mumbai enlarging Accused No.1 on bail; bail order dated 18.01.2024 passed in Bail Application No.4013 of 2023 by this Court (Coram : N. J. Jamadar, J.) enlarging Accused No.4 on bail and bail order dated 04.10.2024 passed by the Supreme Court in Special Leave to Appeal (Criminal) Petition No.10573 of 2024 enlarging Accused No.3 on bail.

6. I have perused the said orders. *Prima facie*, bail orders have been granted by this Court and the Supreme Court on the ground of protraction in trial and on the ground of long incarceration of accused persons pending trial.

7. In that view of the matter, I am inclined to accept the submissions made by Mr. Sarpande that on parity Accused No.2 whose name has not been disclosed by Accused No.1 in the enquiry has made out a case for grant of bail on parity with the Accused persons.

8. The submissions made by Mr. Sarpande shall be scrutinised

by learned APP since the matter is listed for the first time today before the Court and accordingly the role of Applicant – Accused No.2 shall be apprised to the Court on the next adjourned date when the present Application shall be heard and decided by this Court, which shall be noted by the prosecution.

9. In view of long incarceration of Applicant, pending trial list the Bail Application on **06th May, 2025**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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