

Laxmi Sontakke
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1895 OF 2025

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SUBHASH
SONTAKKE

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Date: 2025.05.08
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Rahul Kumar Verma

.. Applicant

Versus

Union of India & Ors.

.. Respondents

-
- Mr. Yash Pulekar i/b. Anil Lalla, Advocates for Applicant.
 - Mr. Rushikesh Pethe, APP for the State.
-

CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2025

P.C.:

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

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with Special Case. No. 497 of 2021 pending before the Ld. NDPS Special Judge at Thane for the offences punishable under Section 8(c) read with Sections 21(a), 22(c), 25, 25A, 27, 27A, 28 & 29 of NDPS Act, 1985.

3. Applicant is in incarceration for NDPS offence for a humongous period of more than 4 years 5 months pending trial conclusion of trial is uncertain. Applicant was arrested on 21st January 2021 on the basis of the statement of the co-accused, who was arrested with the alleged contraband in question. Allegation in the statement of

co-accused as against the Applicant is that he is a supplier of the alleged contraband. Applicant has no antecedents. *Prima facie* case of Applicant is covered by the decision of the Supreme Court in the following cases:-

- (i) Tofan Singh Vs. State of Tamil Nadu* ¹
- (ii) Phundreimayum Yas Khan Vs. State* ² and
- (iii) Jasbir Singh Vs. Narcotics Control Bureau* ³

4. That apart, charge has been framed and trial has not commenced is another ground of long incarceration.

5. Hence issue notice to Respondents.

6. Learned Advocate would persuade the Court to consider the present application for bail. Union of India is a principal contesting Respondent.

7. Union of India is directed to file affidavit in reply preferably within a period of four weeks from today and are directed to depute a responsible pleader to appear in the matter on the next date.

8. Learned Prosecutor waives notice on behalf of the State.

9. List Bail Application on 15th July 2025.

¹ [(2021) 4 SCC 1]

² (NCT of Delhi) [2023 SCC OnLine 135]

³ [2023 SCC OnLine Del 134]

10. Liberty to the Applicant to move the court on re-opening on the ground of long incarceration of Applicant.

[MILIND N. JADHAV, J.]