

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2360 OF 2025

Santosh Ratan Singh ...Applicant
Versus
State Of Maharashtra ...Respondent

Ms. Puja Yadav *i/b Shreerat Kamath, Sachin Tiwari, for the Applicant.*

Ms. Megha S. Bajoria, *APP for the State-Respondent.*

PSI – Dastagir H. Tamboli, *Virar Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 17th DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 879 of 2023 dated 13th September 2023 registered with Virar Police Station for the offences punishable under Sections 8(c) and 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”). The Applicant is the sole accused.

2. The facts of the case, in brief, are that while the police were on patrolling duty on 13th September 2023, the Applicant was found in suspicious circumstances. He was

stopped and intercepted. The compliances under the NDPS Act were followed. Panchas were called, panchanama was recorded and the personal search of the Applicant was undertaken in compliance with Section 50 of the NDPS Act. The Applicant was found to be in possession of two bags together containing 20.080 kgs of Ganja. Since the quantity was of commercial nature, the Applicant was arrested pursuant to the registration of the FIR.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Vasai. However, by order dated 17th August 2024, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Ms. Pooja Yadav, learned Counsel for the Applicant, submits that the Applicant was arrested on 13th September 2023 and has suffered incarceration for two years. She submits that the charges are not yet framed. She also submits that the weight of the contraband during panchanama was recorded as 20.080 kgs. However, during the Inventory

Panchanama, the weight of the contraband is recorded as 19.949 kgs, which is a non-commercial quantity. She further submits that the Inventory Panchanama thus, makes the case of the prosecution doubtful as to the weight of the contraband and hence, the rigours of Section 37 of the NDPS Act will not apply. She also submits that there are no antecedents pertaining to the Applicant. In these circumstances, she prays that the Applicant be released on bail.

5. Ms. Megha Bajoria, learned APP, on the other hand, submits that commercial quantity of Ganja was recovered from the Applicant. She submits that the CA report is received and tendered. As per the CA report, the contraband is tested positive for Ganja. She submits that all the other compliances of the NDPS Act are followed. She thus, prays 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. I have perused the FIR and the Inventory Panchanama. The Ganja seized was about 20.080 kgs. However, when the Inventory Panchanama was recorded, there was a slight decrease in the quantity of Ganja, reducing the weight to 19.949 Kgs. The said Ganja is therefore, of intermediate quantity. Also, the weight at the time of seizure was taken along with the bags containing the said Ganja. In any case, the Applicant has suffered incarceration for the past two years.

8. In view of the fact that the quantity of Ganja as recorded in the Inventory Panchanama is below the commercial quantity and the fact that the charges are not yet framed, I am inclined to enlarge the Applicant on bail on the following conditions:

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. 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 leave India, without 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.

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)