

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

CRIMINAL BAIL APPLICATION NO. 2389 OF 2025

Adinath Balasaheb Waman. ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Akash Kavade, Advocate for the Applicant.
Mr. T.G. Khan, APP for Respondent/State.
PSI S.N. Patil, Alephata Police Station, Pune Rural.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JUNE, 2025

P.C. :

1. Heard Mr. Akash Kavade, learned Advocate for the Applicant and Mr. T.G. Khan, learned APP for State.
2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 329 of 2024 registered with Alephata Police Station, Pune, for offences punishable under Section 8(C) and 20(B)(ii)(c) of the Narcotic Drugs Psychotropic Substances Act, 1985 (for short “NDPS”).

3. Mr. Akash Kavade, learned Advocate for the Applicant states that said crime is now registered as NDPS Special Case No. 15 of 2025 and is pending on the file of learned Additional Sessions Judge, Junnar, Dist. Pune.

4. There are 3 accused in the present crime. Accused No. 1 was found with the truck containing Ganja. Accused No. 2 was accompanying Accused No. 1 in the said truck. Applicant is Accused No. 3.

5. Applicant was arrested on 13th January, 2025 and since then he is in jail. Bail Application No. 69 of 2025 filed by the Applicant was dismissed by the learned Additional Sessions Judge, Junnar, Dist. Pune by order dated 30th April, 2025.

6. Case of the prosecution is that raiding party while checking vehicles, noticed a truck bearing No. MH-14-GU-8088 coming from Sangamner. The truck was stopped and upon inspection, 19 packets of Ganja were found in the truck. Truck was driven by Accused No. 1 and Accused No. 2 was

accompanying Accused No. 1 in the said truck.

7. Mr. Kavade, learned Advocate for the Applicant states that the Applicant was neither in the truck nor any contraband is recovered from the Applicant. He submits that the Applicant has no connection of whatsoever nature either with the Accused Nos. 1 and 2 or with the crime as alleged. He submits that the Applicant has been implicated in the present crime on the sole allegation that the mobile number of the Applicant was found in the phone history of the mobile, seized from the Accused No. 1. He submits that there is no material placed on record to indicate the role of the Applicant, for being implicated as an accused. He specifically states that apart from the letter dated 18th December, 2024 of the Investigating Officer addressed to the Deputy Director of FSL, Ganeshkhind, Pune (at page 116), which makes reference to the mobile number of the Applicant, there is no other material or allegation against the Applicant in the charge-sheet. He therefore, submits that the detention of the Applicant in the facts of the case is not warranted.

8. Mr. Khan, learned APP states that the Applicant has been implicated as an accused in the present crime as the mobile number of the Applicant was found in the search bar of the mobile phone of the Accused No. 1. He relies on the letter dated 18th December, 2024 written by the Investigating Officer to the Deputy Director of FSL, Ganeshkhind, Pune.

9. Perused the record with the able assistance of the learned Advocates for the parties.

10. Records bear out that neither the FIR nor any of the documents which form part of the charge-sheet refer to the Applicant in the context of any role or involvement of the Applicant in the offence as charged. As rightly submitted by Mr. Kavade and not disputed by Mr. Khan, learned APP, the only reference to the name of the Applicant in the entire charge-sheet, is in the document i.e. letter dated 18th December, 2024 addressed by the Investigating Officer to the Deputy Director of FSL, Ganeshkhind, Pune (at page 116-120). Reference to the name of the Applicant in the said document is as follows :

"५. आर्टिकल क. A मधील लॉक नसलेला मोबाईल चालू केला असता त्यातील फोन पे हे ॲप ओपन केले असता Transfer Money या ऑप्शन खालील To Mobile Number या आयकॉनवर क्लिक केले असता समोरच दिसणा-या search Bar मध्ये मोबाईल क. ९९६०६०३८०४ हा नंबर टाकून सर्च केले असता "आदि वामन " नावाचे प्रोफाईल ओपन होते, त्यातील अकाउंट खालील करण्यात आलेले सर्व ट्रान्जॅक्शन हिस्ट्री योग्य त्या पध्दतीने काढून गुन्ह्याचे पुराव्याकामी मिळणेस विनंती आहे."

11. On query to learned APP whether any material has been revealed pursuant to the letter dated 18th December, 2024, Mr. Khan, learned APP on instructions from the Investigating Officer, submits that till date no information has been received.

12. In view of the above and on account of absence of any material against the Applicant to implicate Applicant in the said crime, the custody of the Applicant is not warranted. Applicant is therefore, entitled to bail.

13. Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. 329 of 2024 registered with Alephata Police Station, Pune upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions

Judge, Junnar, Dist. Pune.

(b) The Applicant shall appear and attend before the Investigating Officer, Alephata Police Station on the 1st Monday of every month from 10 a.m to 11 a.m. till filing of the charge-sheet.

(c) The Applicant shall not influence or interfere with witnesses or tamper with the evidence.

(d) The Applicants upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Alephata Police Station, Pune.

14. Criminal Bail Application No. 2389 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)