

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2408 OF 2025**

Ranjeetkumar Somnath Swain

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Lochan Chandka Rounak Naik, *for the Applicant.*

Mr. Yogesh Y. Dabke, *for the Respondent.*

PSI – R.R. Nikam, Crme Branch, Thane, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 06TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.681 of 2024 dated 11th June, 2024, registered with the Wagle Estate Police Station, for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The facts of the present case, in brief, are that pursuant to a secret information received on 10th June, 2024

that two persons namely, Ashwin Singh and Manish Varma were to come at Radha Krushna Hotel, near Railadevi Lake with 20 to 50 Kgs. of Ganja to sell the same to prospective customers, the officers of Respondent arranged for a raid at the specified spot after complying with the provisions of the NDPS Act. As per the information received, the two accused came to the spot on a scooter. They were apprehended and they disclosed their names to be Manishkumar Mahendrakumar Varma and Ashwin Vedanandprasad Sing @ Bind. Upon a search being conducted, 11 bundles consisting Ganja were found in a blue coloured plastic bag on the scooter. The weight of the said substance was 22.605 Kgs. The contraband was seized and sealed. Pursuant to the statement made by Accused No.2-Ashwin, his house was searched. 24.530 Kgs. of Ganja was found in his house. At that time, the Applicant was present in the house of Accused No.2. Hence, the present Applicant was also arrested on 11th June, 2024.

3. The Applicant filed an application seeking bail before the Special Judge (NDPS), Thane, however, by order dated 6th March, 2025, said bail application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Heard Ms.Chandka, learned Advocate for the Applicant and Mr.Dabke, learned APP, representing the State.

5. At the very outset, Ms.Chandka placed the orders of the Special Court dated 13th May, 2025 and 10th September, 2025, granting bail to Manishkumar Mahendrakumar Varma and Ashwin Vedanandprasad Sing @ Bind respectively. These are the co-accused from whose possession Ganja was recovered. She, at the very outset, claims parity with these accused. She further submits that there is non-compliance of Section 42 of the NPDS Act, as on the statement of the Accused No.2 the Applicant came to be arrested and the said information was not written down and communicated to the superior officer. She also alleges non-compliance of Section 50

of the NDPS Act. She further submits that there was mixing of contraband, which is impermissible under the NDPS Act. In these circumstances, she submits that the Applicant is innocent. She further submits that the present Applicant is in custody for the past 1 year 4 months and 26 days. She submits that on the ground of long incarceration as well as the doctrine of parity the Applicant be released on bail.

6. Mr. Dabke on the other hand, submits that this is a serious offence as much as 22.605 Kgs. of Ganja was recovered from the co-accused. He also places reliance on the bank statement of the wife of Accused No.2, which according to Mr. Dabke shows that Accused No.2 has transferred money to the account of the present Applicant. He thus, submits that there is a conspiracy and all three accused are complicit in commission of the crime. He thus, submits that CDR also indicate the complicity of the Applicant. In these circumstances, he resists the grant of bail. He also points to the statement of the wife of Accused No.2 that she has sent

the money from her account on the directions of her husband
i.e., Accused No.2.

7. I have heard learned counsels for the respective parties and gone through the record of the case with their assistance.

8. Without going into the merits of the present case, since Accused Nos.1 and 2 are enlarged on bail, the doctrine of parity will apply to the facts of the present case. In fact, there is no contraband recovered from the present Applicant. In any case, the Applicant is incarcerated since 11th June, 2024 and has already undergone incarceration for the 1 year 4 months and 26 days. Thus, having regard to the long incarceration and the fact that it seems unlikely that the trial will conclude in the foreseeable future, I am inclined to enlarge the Applicant on bail.

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- vii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;
- viii) The Applicant to co-operate with the conduct of the trial;
- ix) 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 learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)