

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2530 OF 2025**

Ishwar Raghuvir Mishra	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Ms. Mallika Sharma a/w Zehra Charnia, for the Applicant.
Mr. Yogesh Y. Dabake, for the Respondent.
API-Santosh Dhadve, attached to Navghar Police Station,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 08TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 27 of 2024, CTNS No. 188 of 2024 dated 14th August, 2024 registered with the Navghar Police Station, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotics and Psychotropic Substances Act, 1985. (for short NDPS Act).

2. The offence was registered at the instance of the Police Head Constable, Santosh Dhadve on 14th August, 2024. A Baleno Car driven by the co-accused broke through a nakabandi set up near Airoli toll booth. One Mohammed Kaleem Salim Chowdhary, the driver of the car was intercepted and the car was stopped. The two people sitting in the rear of the car ran away. The driver of the car was arrested, he is Accused No. 1, i.e. Mohammed Kaleem Salim Chowdhary,

3. After complying with the provisions of the NDPS Act, the car was searched and 2.29 kgs of MD was recovered from the said car. During investigation, the co-accused gave a statement implicating the Applicant as a 'supplier' of the contraband. Based on the said statement, the present Applicant came to be arrested on 28th August, 2024.

4. The Applicant made an application seeking bail before the Special Court for NDPS at Greater Mumbai, however, by order dated 07th May, 2025, his bail application was rejected.

Hence, the applicant is before this Court for the relief as prayed.

5. Ms. Sharma, learned Counsel appearing for the Applicant submits that there was no recovery made from the present Applicant. She also submits that there is no communication by way of WhatsApp, phone calls, text messages between the present Applicant and the co-accused, to incriminate the present Applicant in the said offence. She submits that applicant was arrested only on the statement of Accused No. 3, namely, Zahid @ Javedbhai Hanif Shaikh.

6. She however, states that there is no material on record in the charge sheet showing the statement of Accused No. 3 implicating the present Applicant. She submits that the Applicant was arrested in August 2024, and till date, charges are not framed. There are as many as 35 witnesses that the prosecution intends to examine. In these circumstances, she submits that the trial is not likely to be concluded in a near

foreseeable future and prays that the Applicant be released on bail.

7. Ms. Dabke, learned APP placed reliance on the case diary maintained by the Investigating Officer. The case diary shows the statements recorded of the co-accused wherein, the name of the applicant appears as the person who is also an associate of all the co-accused and that all the co-accused including the Applicant are engaged in drug deals.

8. Mr. Dabke also drew my attention to the statement of Applicant's wife, one friend Faizal and another person namely Mr. Wankhede, with whom the Applicant is found to be communicating by way of WhatsApp messages. Mr. Dabke says that there are antecedents against the Applicant, inasmuch as, he was arrested in an NDPS case, wherein, 200 grams of charas and one kg of brown sugar was recovered from him in the year 2020. In these circumstances, Mr. Dabke contends that there is a large web of conspiracy amongst the

co-accused and in the given circumstances, his bail application be rejected.

9. I have heard counsel for both the parties and with their able assistance perused the record.

10. Admittedly, there is no recovery from the present Applicant. The present Applicant was arrested purportedly on the statement made by the Accused No. 3 Zahid. Mr. Dabke also attempted to show that there were same text messages exchanged by the Applicant and co-accused. Mr. Dabke also attempted to show that there were same text messages exchanged by the Applicant and the co-accused. However, there is no connection established, in the charge sheet, pertaining to the communication between Zahid and the present Applicant. The present Applicant is implicated only on the statements of the co-accused. His wife has stated that he used to confide in her regarding his involvement in drug deals. However, there appears to be a matrimonial discord between the Applicant and his wife.

11. Considering that nothing is recovered from the present applicant in the present case and and that he has suffered incarceration from August 2024, without the trial having commenced and also in the facts and circumstances of this case, *prima facie*, there is no reason to believe that the Applicant has committed the present offence. Hence, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/ with one or two local 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.;

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.

12. Application is allowed in the above terms and is accordingly disposed of.

13. 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)