

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

Bail Application No. 2911 of 2025

Nitin Shivaji Lehane

Age 38 years, Occupation-Farmer,

R/o. Aurangpur, Taluka Shirur,

Dist.-Beed.

(Presently in Yerwada Central Jail)

... Applicant.

Versus

The State of Maharashtra

(Lonavala Gramin Police Station,

Dist. Pune, C.R. No.223/2024)

...Respondent

Mr Kunal Aher, for the applicant.

Mr S V Walve, APP, for respondent / State.

Coram: R.N. Laddha, J.

Date: 16 December 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.223 of 2024, registered at Lonavala Rural Police Station, Pune, for offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is the case of the prosecution that on 11 July 2024, acting upon credible secret information received, the police

authorities laid a trap in the vicinity of Tejas Dhaba. At about 3:05 a.m., the police intercepted a car bearing registration No.MH-12-NX-9655. At the relevant time, the present applicant was driving the said vehicle, while the co-accused, Sandipan and Ganesh, were seated on the rear seat thereof. It is further alleged that the police officers apprised the applicant and the co-accused of their right to a personal search; however, the applicant and the co-accused declined to exercise that right. Thereafter, upon conducting a search of the vehicle, the police party recovered a contraband substance, Ganja, concealed in ten separate packets, each weighing approximately two kilograms, aggregating to a total quantity valued at approximately Rs.4,00,000/-.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant has been falsely implicated in the present crime and that no incriminating material has been recovered from the applicant in accordance with the law. It is further contended that the alleged offence does not attract punishment of either death or imprisonment for life, and therefore, the continued incarceration of the applicant is wholly unwarranted. The learned Counsel, further submits that the investigating agency failed to comply with the mandatory statutory provisions while

conducting the alleged search, seizure, and sampling procedure, rendering the entire process illegal and vitiated in law. It is also submitted that there exist material discrepancies and glaring contradictions in the statements of the prosecution witnesses.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail. It is submitted that the entire raid was duly conducted in accordance with the law and was contemporaneously recorded through videography, lending credence and transparency to the search and seizure proceedings. It is further submitted that prior to the commencement of the search, the applicant as well as the co-accused were duly informed of their statutory right to have the search, however, they consciously and voluntarily declined to avail themselves of the said right. It is submitted that the applicant was found to be in conscious possession of the contraband substance recovered during the raid.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. It appears from the record that the concerned police officials duly apprised their superior authorities, obtained the requisite permission, and informed the applicant as well as the co-accused of their statutory rights, prior to proceeding with the

search and seizure. The record further reveals that the entire raiding operation was videographed, lending additional assurance to the transparency of the procedure adopted. At this stage, no violation of any mandatory or statutory provision is discernible. The certificate issued under Section 52A(3) of the NDPS Act clearly reflects that the learned Magistrate was satisfied that the inventory prepared was in consonance with the seizure documents and that the consignments of the seized contraband produced before him were correctly identified and duly accounted for. *Prima facie*, sufficient material is available on record to indicate the involvement of the applicant in the commission of the alleged offence. The chain of custody appears to be intact, and the procedures relating to sampling and sealing of the seized contraband have been duly followed. In this context, a profitable reference may be made to the judgment of the Hon'ble Supreme Court in *Jothi @ Nagajothi Vs. The State*, represented by the Inspector of Police, 2025 INSC 1417, wherein it has been held that the minor procedural irregularities, which do not go to the root of the matter, do not vitiate the prosecution's case. Furthermore, the offence is serious in nature and against society at large.

6. In view of the foregoing discussion, this Court is of the opinion that no case for the grant of bail is made out.

Accordingly, the present bail application stands rejected.

[R.N. Laddha, J.]