

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3266 OF 2025

Prashant Vinod Gaur

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Taraq Sayed a/w Anish Pereira and Ashiwnii Achari, *for the Applicant.*

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

API – Nilesh Dhumal, ANC, Navi Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 10TH OCTOBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.201 of 2025 dated 11th August, 2025, registered with the Nerul Police Station, for the offences punishable under Sections 8 (c) r/w 20 (b)(ii) (A) &(B), 21(a), 23(a), 23(b), 27A & 29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS') and 255, 336(3), 338, 340(2) of the Bhartiya Nyaya Sanhita, 2023 ('BNS'). The Applicant was arrested on 29th April, 2025.

2. According to Mr.Sayed, the nature of evidence is circumstantial. There is no recovery from the present Applicant. The only allegation material against the Applicant is the statement by the co-accused that the present Applicant has assisted in import parcels alleged to have contained contraband. He also submits that the Applicant is roped in the present matter on account of alleged phone call received by him from Accused No.5. He also submits that the offence under Section 255 of the BNS is a bailable offence. He submits that Accused Nos.7, 15 and 25 have been granted bail in view of the fact that nothing was recovered from them as well.

3. Ms.Bajoria submits that the role of the Applicant is clearly established from the statement of the co-accused, however, the same cannot be read in evidence at this stage, the same being under Section 67 of the NDPS Act. She also submits statement recorded under Section 183 of the BNSS of one Mr.Karan Harish Karwa, who has also connected the present Applicant with other co-accused. She submits that although no contraband is recovered from the Applicant, he

appears to be connected with the co-accused. She thus, resists the Bail Application.

4. I have heard Mr.Sayed, learned counsel for the Applicant and Ms.Bajoria, learned APP representing the State.

5. Admittedly, there is no recovery from the Applicant. There is no material on record to connect the present Applicant with the offence, save and except the statement of the co-accused. The Applicant is the Superintendent of Customs. *Prima facie*, it appears that he has not committed present offence and it is not likely to repeat the alleged offence. Admittedly, he has no antecedents. In these circumstances, I am inclined to enlarge the Applicant on bail. Hence, the following order is passed:-

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.

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

7. 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)