

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3339 OF 2025

Shrikant @ Sushant S/o Parshuram Nayak ...Applicant

Versus

The State Of Maharashtra ...Respondent

Mr. Vikrant V. Phatate *a/w Ajay Londhe, for the Applicant.*

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

Mr. Suraj Sanjay Patil, *Mumbra Police Station, is present.*

CORAM Dr. Neela Gokhale, J.

DATED: 21st November 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 2283 of 2024 dated 18th November 2024 registered with the Mumbra Police Station, Thane for the offences punishable under Sections 8(c), 20(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. The case of the prosecution is that on receipt of intelligence and secret information from sources and after following the due process prescribed under the NDPS Act,

they apprehended one Shanu Aala Khan and Mahesh Laxman Sarse from Thane. 26 Kgs of Ganja was recovered from them. Thereafter, on interrogation, they revealed that the supplier of the said Ganja was the Applicant and co-accused. Accordingly, the Applicant was apprehended but there was no recovery made from him. The Applicant was arrested on 18th March 2025 and is remanded to judicial custody till date.

3. The Applicant made an application seeking bail before the Special Judge (NDPS Act), Thane. However, by order dated 18th July 2025, his bail application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Vikrant Phatate, learned Counsel for the Applicant, submits that no recovery was made from the Applicant. The only material against him is the statement of disclosure made by the co-accused. Even thereafter, on the said statement of the disclosure when the police apprehended him, nothing was recovered from him. There is nothing to indicate the

Applicant's connection in the said offence. Mr. Phatate thus prays that the Applicant be enlarged on bail.

5. Ms. Megha Bajoria, learned APP, resists the Bail Application. She submits that there are two antecedents of similar nature against the Applicant. At this stage, Mr. Phatate admits that there are antecedents against the Applicant, however, he submits that as on 5th November 2024, the Applicant was in custody for previous offence on which date the prosecution alleges that he has committed the crime. Hence, he submits that the case of the prosecution is that of false implication.

6. Ms. Bajoria also submits that the Applicant is a supplier and the antecedents clearly indicate that he has been dealing in drugs for a considerable time. Hence, she thus prays that the Bail Application be rejected.

7. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

8. A plain reading of the FIR indicates that the Applicant was apprehended and arrested only on the statement made by the co-accused. Even thereafter when he was apprehended and searched, nothing was recovered from him. There is also a cloud of doubt in respect of the implication of the Applicant in the said offence, as according to Mr. Phatate, the Applicant was in custody, on the date on which the prosecution alleges his involvement in the present offence.

9. Ms. Bajoria submits that there is no doubt the Applicant was a continuous and an active dealer in Ganja, as he has supplied the same earlier as well. Be that as it may, there is no recovery made from him in the present C.R. and there is no material other than the statement of the co-accused connecting the Applicant with the said offence. The embargo of Section 37 of the NDPS Act is satisfied. *Prima facie*, there is

reasonable ground to believe that the Applicant has not committed the said offence.

10. In this view of the matter, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed by the Trial Court. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;
- vi) The Applicant to co-operate with the conduct of the trial;
- vii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)