

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3536 OF 2025

Sanghita Vishwas Rathod ...Applicant

Versus

State Of Maharashtra ...Respondent

Ms. Indrayanee Pandit, a/w Mr. Satyavrat Joshi and
Ms. Shivani Kondekar, *for the Applicant.*

Ms Manisha R. Tidke, *APP for the Respondent - State.*

PSI – Sanjay Bhise, Property Crime Branch, Thane City,
present.

CORAM DR. NEELA GOKHALE, J.

DATED: 16TH SEPTEMBER 2025

PC:-

1. The Applicant seeks her release on bail in connection with C.R. No. 452 of 2025, dated 25th May 2025, registered with Naupada Police Station, Thane, for the offences punishable under Section 8(c), 20(b)(ii) and 29 of Narcotic and Psychotropic Substances Act, 1985.

2. The prosecution case, as discerned from the FIR, is that on receipt of secret information that on 25th May 2025 at

about 10 p.m., two women were to come at ST stand of Khopat, Thane, to sell Ganja, a trap was arranged to catch the two women. A pre-trap panchanama was drawn. Panchas were apprised of the action to be taken and the officers of the Respondent along with panchas went to the spot specified in the information and arranged the trap. Two women, including the present Applicant, carrying a gunny bag and a suitcase, were seen going to the ST stand workshop. The informant pointed out the said women, pursuant to which they were surrounded and apprehended by the raiding team. They disclosed their names to be Renuka Sharma and Sangita Rathod. Sangita Rathod is the present Applicant. The Applicant had approximately 4 Kgs and 134 grams of Ganja in her bag. The same was seized. The accused was arrested and the report was lodged. A charge-sheet was subsequently filed.

3. The Applicant made a Bail Application before the Special Judge, NDPS, Thane and by order dated 18th July 2025, the same was rejected. The Applicant has thus filed the present Bail Application.

4. Ms.Indrayanee Pandit, learned Counsel for the Applicant submits that the Applicant was arrested on 25th May 2025. Only 4.134 Kgs of Ganja was seized from her bag. The said quantity is non commercial and hence the requirements of Section 37 of the NDPS Act will not apply. She makes an attempt to submit that compliance under Section 50(4) of the NDPS Act was not complied and hence the Applicant be released on bail.

5. *Per contra*, Ms. Manisha Tidke, learned APP submits that even though the twin conditions of Section 37 of the Act may not apply, charges are yet to be framed and only 5 witnesses are to be examined. She, however, admits that the Applicant had no antecedents. She requests that the Application be rejected.

6. Heard learned Counsel for respective parties and perused the record at their assistance.

7. At the outset, I have examined the session diary pointed out by Ms. Tidke. A plain reading of the same

indicates that compliance under Section 50(4) is complied with.

8. Taking note of the fact that the quantity involved in this case is only 4.134 Kgs of Ganja, which is a non commercial quantity and that there are no antecedents in respect of this Applicant, I am of the view that the Applicant be released on bail pending trial. The Applicant is 43 years of age and is a widow. She has two minor children and one major son. The charge-sheet is already filed. In these circumstances, this is a fit case for 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 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 her passport, the Applicant shall deposit the same with the concerned Police Station;

iv) The Applicant shall not leave India, without permission of the trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform her 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;

vii) The Applicant to co-operate with the conduct of the trial;

viii) 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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)