

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3813 OF 2025**

Ankit Pitambarbhai Patel ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Manoj Mohite, Senior Advocate *a/w Irfan Shaikh, for the Applicant.*

Ms. Anamika Malhotra, APP *for the State-Respondent.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 8th DECEMBER 2025**

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 201 of 2025 dated 15th April 2025 registered with Nerul Police Station, Navi Mumbai for the offences punishable under Sections 8(c), 20(b)(ii)(A)(B), 21(a), 23(a), 23(b), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”) and under Sections 338, 336(3), 340(2), 255 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”). The Applicant is charged only under Sections 27A and 29 of the NDPS Act.

2. The facts of the case, as discerned from the FIR, are that there are in all 26 Accused in the present C.R. The Applicant is Accused No. 8. Accused No. 5, Kamal Chandwani disclosed the name of the present Applicant. The Applicant was working as an Angadia. One person namely, Kartik Prakash Jain, who was working with the present Applicant for the past two years, gave a statement to the police that, while he was engaged in the said work, he had seen the Accused No.4, Sujit Bangera and Accused No. 5, Kamal Chandwani @ KK coming to the office of the present Applicant, carrying cash, which they used to deposit with the present Applicant. On two occasions, there was a shortfall in the cash amounts. Hence, Kartik Jain had accompanied Kamal Chandwani to his house to bring cash to make good the shortfall. Mr. Jain also stated that he was told that such transfers were pertaining to gold trading. However, it was later revealed that the said money was in lieu of purchase and sale of hydro Ganja. On the basis of this statement and on the statement made by the

co-accused, the present Applicant was arrested on 28th April 2025. There was no recovery made from him.

3. The Applicant filed a bail application before the Additional Sessions Judge, Belapur. However, by order dated 4th September 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Manoj Mohite, learned Senior Counsel for the Applicant, submits that there was no recovery made from the Applicant and there is nothing on record to indicate his complicity in the said offence. The only statement against him is that of his employee, who stated that he has seen some of the co-accused coming to the office of the Applicant with cash and that, on two occasions, he was directed to go to the house of Mr. Chandwani and bring enough cash to satisfy the shortfall. He was under the impression that the cash transactions were for the purpose of gold trading and it was only after the arrest of the Applicant, he learned that the Applicant and co-accused were dealing in Ganja. Mr. Mohite submits that there are no antecedents in respect of the present

Applicant and he is in custody since 28th April 2025 and no purpose will be served by his continued incarceration. He thus, prays that the Applicant be enlarged on bail.

5. Ms. Anamika Malhotra along with Ms. Megha Bajoria, learned APP representing the State, submit that there is a drug cartel network and although nothing was recovered from the present Applicant, his role of facilitating cash transfers through hawala, is sufficient to incriminate him in the said offence. They also submit that the Applicant is in custody only from April 2025 and the maximum punishment is 10 to 20 years and hence, it is not a case of long incarceration pending trial. In any case, they submit that the trial is to commence soon and likely to be concluded in the foreseeable future. They thus, pray that the Application be rejected.

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

7. Admittedly, there is nothing recovered from the present Applicant. Save and except the money transferred by him to co-accused, there is no material on record to demonstrate his complicity in the said offence. Admittedly, there are no antecedents in respect of the present Applicant. The chargesheet is filed. The present Applicant is an Angadia operator and the role attributed to him is limited to transfer of cash. Apart from the statement of the co-accused namely, Kamal Chandwani, there is nothing to establish the Applicant's complicity in the alleged drug cartel. In these circumstances, there is a reasonable ground to believe that the Applicant has not committed the said offence as alleged and is not likely to commit any such offence, while on bail.

8. In view of the aforesaid, 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. 1,00,000/- 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. 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 leave India, without the 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 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;

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. The Bail Application is allowed in the aforesaid 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)