

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3821 OF 2025**

Vinay Akhileshwar Tiwari	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Taraq Sayed *a/w Ashwinii Achari a/w Anish Pereira a/w Hansraj Solnaki i/b Tarun Sharma, for the Applicant.*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
PSI – Anil Dighole, *Jawhar Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 8th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 169 of 2024 dated 20th July 2024 registered with Jawhar Police Station for the offences punishable under Sections 8(c) read with 20(b) of the NDPS Act.

2. The facts of the case, in brief, are that there are in all five accused. The co-accused, namely Shreeram Solanki and Sunil Aarya, were found in a Mahindra Pick Up Van near Shivneri Dhaba, Jawhar Dahanu Naka. The quantity of

31.798 Kg of Ganja was recovered from the said vehicle. The contraband was seized and the FIR was registered. On interrogation, co-accused namely Sunil Aarya informed the police regarding involvement of the present Applicant in the said crime, stating that the Applicant who was to receive the alleged Ganja for further distribution. Hence, the present Applicant was implicated in the said crime and the FIR was registered. The Applicant made a bail application before the Special NDPS Court, Bhiwandi. By order dated 28th August 2025, the said application was rejected. Hence, the Applicant made the present application for the relief as prayed.

3. Mr. Taraq Sayed, learned Counsel for the Applicant, submits that nothing was recovered from the present Applicant. He was implicated, in the present case, only on the statement given by Sunil Aarya, that it was the Applicant who was to receive the alleged Ganja for further distribution. He also submits that there is no other independent evidence to corroborate the alleged statement given by the co-accused. He

submits that the only evidence against the Applicant is the statement given by Sunil Aarya and that such a statement is inadmissible in law. Mr. Taraq also submits that the Applicant has suffered incarceration approximately one year and two months and that charges are not framed yet. In view of the aforesaid, he prays that the Applicant be released on bail.

4. Ms. Anamika Malhotra, learned APP, submits that there are CDR records to indicate that the Applicant was in contact with Sunil Aarya and Shreeram Solanki. She further submits that the quantity of Ganja seized is a commercial quantity and that all five accused are in conspiracy with each other. In these circumstances, she resists the bail application.

5. I have heard learned Counsel for the parties and perused the record with their assistance.

6. Admittedly, no substance was seized from the present Applicant. It is only on the basis of the statement of the co-accused i.e. Sunil Aarya that the present Applicant was

supposed to receive the said Ganja for further distribution. There is no record to indicate the Applicant's involvement in the crime, save and except the CDR records whereby, the present Applicant is stated to be in contact with the main accused. However, the mere existence of CDR records is not sufficient to establish his culpability in the said offence at this stage. Moreover, the charges are not framed yet and the Applicant has suffered incarceration for more than one year and two months. Ms. Malhotra fairly submits that there are no antecedents in respect of the Applicant.

7. In this view of the matter, the embargo of Section 37 of the NDPS Act is fulfilled. *Prima facie*, it does not appear that the Applicant may have committed the said crime and considering that there are no antecedents, it is not likely that the Applicant will repeat the said offence. Hence, I am inclined to grant bail to the Applicant on the following conditions:

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 concerned police station once in a month between 11:00 a.m. to 12:00 p.m.
- iii) 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.
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- v) The Applicant shall not leave India, without 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 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;
- viii) The Applicant to co-operate with the conduct of the trial;
- ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

9. 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)