

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4007 OF 2025

Ashish Bijendersingh Dalal ...Applicant

Versus

State Of Maharashtra ...Respondent

Mr. Taraq Sayed *a/w Anish Pereira, Ashwinii Achari, Resham Sahani, for the Applicant.*

Ms. Anamika Malhotra *a/w Ms. Megha Bajoria, 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 the 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 under Sections 23(a), 23(b), 27A and 29 of the NDPS Act.

2. There are in all 26 accused in the present CR. The Applicant is accused No. 23. The Applicant is stated to be a postal assistant, in the foreign post office, New Delhi. He was an employee of accused No. 22, one Shri Suraj Rajpal Pathak. The allegation against him is that he misused his office and facilitated co-accused namely, Bharat Singh and Suraj Pathak in commission of the alleged offence. He facilitated receipt of cash and online transfers of currency from accused - Kamal Chandwani and also assisted in clearing the parcels from the post office. The parcels contained hydro-ganja, a narcotic substance. He was arrested on 22nd July, 2025.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Belapur. However, by order dated 7th October 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Taraq Sayed, learned counsel for the Applicant, submits that there was no recovery made from the present

Applicant and apart from the statement of the co-accused, which is inadmissible in law, there is nothing on record to implicate the Applicant in the present offence. Mr. Sayed further submits that the Applicant has not committed any offence and is not connected with the so called drug cartel. He also submits that there are no antecedents in respect of the present Applicant and he is in custody since 22nd July 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 state that although nothing was recovered from the present Applicant, he appears to be a part of the drug cartel. They also submit that the Applicant is in custody only from July 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. Despite the fact that there are allegations made against this Applicant of conspiracy and misuse of his office to receive and clear the packages containing hydro-ganja, there is no material on record of the entire proceedings to indicate the complicity of the present Applicant in the said offence. He is an employee of the postal department and only on the basis of the statement of the Accused No. 5 namely, Kamal Chandwani that the Applicant was arrested. There are statements of witnesses, namely Shri Anil Narayan Sabane and Kisankumar Rajpal Pathak, recorded by the police. I have gone through the entire statement of Anil Sabane recorded by the police on 24th July 2025. There is a fleeting reference to the present Applicant, as some information about the Applicant's involvement in the offence was disclosed by co-accused – Kamal Chandwani to said Anil Sabane. However, this witness

has specifically named only Suraj Pathak and Bharat Singh as the persons from whom, he along with Kamal Chandwani have brought parcels containing hydro-ganja to Kharghar, Navi Mumbai via train. I have also perused the statement of the other witness namely, Kisan Kumar Pathak. Shri Kisan Kumar Pathak has stated that his brother namely, Suraj Pathak had wanted to operate his bank account, to receive some amounts of the present Applicant and Kamal Chandwani. Accordingly, Kisan Kumar Pathak has further stated that, amounts were regularly deposited in his account and he used to withdraw the same by way of his ATM. There is nothing against the present Applicant in the said statement sufficient to indict him in the present offence. Save and except the statement of the co-accused-Kamal Chandwani which describes the role of the present Applicant in the offence, there is no material to establish his complicity. Admittedly, there are no antecedents in respect of the present Applicant. The charge-sheet is filed. I have repeatedly asked the learned APPs as to whether there are bank statements indicating

receipt of money by this Applicant in lieu of facilitating clearance of parcels containing hydro-ganja. The APPs are unable to show any such document. In these circumstances, there is a reasonable ground to believe that the Applicant has not committed the said offences 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)