

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4301 OF 2025**

Rupesh Ramesh Jadhav ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Amol M. Thombre a/w Om Karad, Siddharth More, Vishal Sarode and Yogesh Chikane, for the Applicant.
Ms. Anuja S. Gotad, APP for the State-Respondent.
PSI – M. N. Ambaji, Vasind Police Station, is present.

CORAM Dr. Neela Gokhale, J.
DATED: 20th November 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 238 of 2023 dated 16th December 2023 for the offences punishable under Sections 8, 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. The facts of the case, as discerned from the FIR, are that on 16th December 2023, the police received a secret information that the Applicant has stored a huge quantity of

Ganja at his residence. After complying with the statutory provisions of the NDPS Act, the raiding party went to the house of the Applicant. He was standing outside his house and after confirmation that he was staying in the said room, which he had rented from one Vandana Vasant Nirbhavne, the police searched the said premises and recovered the contraband substance namely *Ganja*. The Applicant was thus arrested pursuant to the FIR registered in the present case.

3. The Applicant filed successive bail applications before the Additional Sessions Court, Kalyan. However, by orders dated 19th July 2024 and 28th August 2025, both the applications were rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Amol Thombre, learned Counsel for the Applicant, seeks bail on two grounds: firstly, on the merits of the case and secondly, on the ground that even the chargesheet is filed beyond the statutory period of 118 days and he is entitled to be granted default bail.

5. On merits, he submits that there is an absolute non-compliance of the provisions of the NDPS Act. As far as Section 42 of the Act is concerned, the intelligence received by the police was not reduced in writing properly to be communicated to the superior officers. He has pointed to page No. 243 of the application, which is a letter alleged to be the compliance of Section 42 of the Act. He also points to the general diary details, which according to him, is signed by one Mr. Pardeshi, who is not the person who received the information. He further draws my attention to the Inventory Certificate at page no. 158. The Inventory Certificate pertains to a quantity of 29.03 kgs of *Ganja* as recovered from his house. However, the panchanama shows the recovery of 41 Kgs and 324 grams of *Ganja* from the Applicant. He submits that there is a major discrepancy in the quantity of *Ganja* recovered. He further submits that the Applicant has already undergone more than 2 years of incarceration and yet the charges are not framed as on date. He submits that there are 32 witnesses as cited by the prosecution and it is not likely

that the trial will conclude in the near foreseeable future. On these grounds, Mr. Thombre prays that the Applicant be enlarged on bail.

6. *Per contra*, Ms. Anuja Gotad, learned APP, in reference to the general diary details, submits that Mr. Pardeshi is only the person who has printed the said form, not the person who recorded the intelligence. She further submits that the information note is in complete compliance of the provisions and the requirement of the NDPS Act. She fairly concedes that there is difference in the weight of the *Ganja* in the Inventory Panchanama and the statement in the FIR, however, submits that there is an antecedent in respect of the Applicant inasmuch as there is another case against the Applicant registered with the same police station for similar offences of having custody of *Ganja*. At this stage, Mr. Thombre submits that the earlier case related to recovery of intermediate quantity of *Ganja* from him. Thus, Ms. Gotad 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. At the outset, the Inventory Panchanama show that a quantity of 29.03 kgs of *Ganja* was recovered from the Applicant, whereas the statement in the FIR shows huge rise in the weight of the *Ganja* recovered. The discrepancy in both these statements is quite significant. Even the Section 42 compliance, in my view, is not in accordance with the requirements of the NDPS act. Admittedly, there is an antecedent in respect of the Applicant concerning similar offence. However, in view of the non-compliance on the part of the Investigating Agency and the significant discrepancy in the quantity of *Ganja* recovered from the Applicant, there are reasonable grounds to believe that the Applicant is not guilty of the said offence. Additionally, the charges are also not framed till date and the Applicant has also suffered

incarceration for about more than two years. It is also unlikely that the trial may conclude in the near foreseeable future.

9. 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;

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

11. 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)