

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4493 OF 2025**

Gunjan Jadhavji Cheda

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Shekhar S. Bhandary, *with K S Bhandary, for the Applicant.*

Ms. Megha S Bajoria, *APP for the Respondent-State.*

Mr. Nimbalkar, *PSI attached to Borivali Police Station, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 03RD DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 236 of 2025 dated 9th April 2025 registered with the Borivali Police Station, Brihanmumbai City for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case, in brief, are that:-

2.1 On 9th April 2025, while on patrolling duty, the Police found one person, lurking in suspicious circumstances, on the footpath near Nildhara Apartment, Devidas Lane, Borivali (West), Mumbai. After complying with due provisions of the NDPS Act, the said person was searched and quantity of 54 grams of Mephedrone ('MD') was recovered from him. FIR was, accordingly, registered and the Applicant was arrested on the same day, i.e., 9th April 2025.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), Greater Mumbai, however, by order dated, 3rd November 2025, the same came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Shekhar Bhandary, learned counsel appearing for the Applicant, submits that the quantity of MD recovered from the Applicant, was 54 grams and the weight of the said substance was taken along with the plastic pouch containing the said MD and it is likely that plastic pouch weighed 4

grams and hence, the quantity of MD recovered from the Applicant would not be that of commercial quantity. He submits that in these circumstances, the Applicant be granted bail.

5. Per contra, Ms. Megha Bajoria, learned APP representing the State in the matter, resists the Bail Application. She submits that the Applicant has as many as four antecedents against him, one of which relates to the offence under the NDPS Act. Mr. Bhandary, is quick to explain that in the previous C.R., only small quantity of MD, being 2 grams, was recovered from him.

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

7. It is likely that the weight of plastic pouch containing the MD, was about 4 grams and in that case, the quantity of contraband recovered from the Applicant, would not be of

commercial quantity. The rigors of Section 37 of the NDPS Act thus, do not apply. The Applicant has suffered incarceration for past eight months.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly 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 unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month on the first Saturday between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the 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 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 Police Station concerned;

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

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

(DR. NEELA GOKHALE, J)

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