

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4708 OF 2025**

Ashish Ramesh Gaware

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Taraq Sayed, *with Aryan K Kotwal, Anish Pereira, Ashwinii Achari i/b Aryan Kaushal Kotwal for the Applicant.*
Ms. Anamika Malhotra, *APP for the Respondent-State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 18TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement 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) and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985(for short 'NDPS Act'). There are in all 25 accused, and the Applicant is Accused No.1.

2. The case of the prosecution, in brief, is that on 14th April 2025 at about 8.30 p.m. the Applicant along with Co-accused Ahmed and Akash were caught in activities involving packing and dealing in Hydro *Ganja*. The Police on receiving information regarding their activities had gone to their house for investigation. Co-accused Akash fled from the spot but the Police were able to catch the Applicant and Co-accused-Ahmed. 1.015 kg of *Ganja* and 17.19 grams of Hydro *Ganja* were recovered from the Applicant. He was thus, arrested pursuant to the FIR being registered.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, Belapur. However, by order dated 31st October 2025, his bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Taraq Sayed, learned counsel appearing for the Applicant, at the very outset, submits that the Applicant is a 22-year-old young person. This is his first offence and there

are no antecedents against him. He submits that only intermediate quantity of narcotics is recovered from him. He has no nexus with any drug dealers or syndicate dealing with drugs. The Applicant is sole earning member in his family and there is no likelihood that he will tamper with any prosecution evidence. He also submits that the investigation is complete and no purpose will be served by continuing his incarceration with hardened criminals.

5. Ms. Anamika Malhotra, learned APP representing the State in the matter, resisted the Bail Application and stated that the quantity recovered from the Applicant is an intermediate quantity however, along with the said contraband, the Police also recovered 17 plastic pouches, 3 crushers and other material, which is used in packing and sealing of drugs for the purpose of readying them for sale. She thus, submits that the Applicant is involved in drug dealing and hence, his Bail Application be rejected.

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

7. Admittedly, the recovery of contraband from the Applicant is of intermediate quantity. There are no antecedents against the Applicant. There is no other material on record to connect the Applicant with any drug dealers or organized syndicate to believe that the Applicant has a nexus in dealing with drugs. Since the quantity of contraband recovered from the Applicant is of intermediate quantity, rigors of Section 37 of the NDPS Act will not apply. Mr. Sayed's arguments inspires confidence that the Applicant is not likely to repeat the said offence as there are no antecedents against him.

8. In view of the aforesaid, 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.35,000/ 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 twice in a month on every alternate Monday, between 11:00 a.m. to 02:00 p.m. till the conclusion of the trial;
- 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. The Bail 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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