

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4743 OF 2025**

Sanjay Balu Mohite
Versus
State of Maharashtra

...Applicant

...Respondent

Ms. Ashwinii Achari a/w Anish Pereira i/by Taraq Sayed, *for the Applicant.*

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

PSI – Ingole, DCB, CID, Unit-5, present.

**CORAM DR. NEELA GOKHALE, J.
DATED: 22ND DECEMBER 2025**

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.11 of 2024 dated 15th February, 2024 registered with the DCB CID, Unit – V, Kurla, Mumbai, for the offences punishable under Sections 8(c), 20(c), 27A and 29 of the Narcotic Drugs and Psychotropic substances Act, 1985.

2. The facts of the case, in brief, are that on the basis of information received by the police of Navghar Police Station, Bhayandar (East) on 15th February, 2024, a trap was laid by the police. The Accused Nos.1 and 2 were found to be in possession of 274 Kgs and 100 Kgs of Ganja respectively. During the investigation, the other accused including the present Applicant was found to be involved in the conspiracy in committing the said offence. Pursuant to the FIR registered against the accused, the present Applicant was arrested on 15th June, 2024.

3. The Applicant made an application seeking bail before the Special Judge, NDPS, Greater Bombay; however, by order dated 4th December, 2024, the said application was rejected. Hence, the Applicant has filed the present application for the reliefs as prayed.

4. Ms. Achari, learned counsel for the Applicant, submits that no recovery has been made from the present Applicant. She submits that the only material available on

record against the present Applicant is the statement of the co-accused namely Sunil Madhavrao Mohite @Beldar, wherein it was alleged that the Applicant was assisting him in the transportation of the narcotics while delivering the grains. She submits that further material available against him is his own Nivedan Panchanama, wherein he has also stated before the police that he used to help his cousin, Sunil Madhavrao Mohite @Beldar in transporting the narcotics by loading and unloading the contraband alongwith the sacks of grains in the truck. She also submits that the co-accused, Sunil Madhavrao Mohite @ Beldar and Govinda Mohite have been enlarged on bail, and their role is identical to that of the present Applicant. She thus, prays that the Applicant be released on bail.

5. Ms. Bajoria, learned APP representing the State, submits that although there is no recovery from the present Applicant, he is very much involved in the commission of the crime, as he was directly in contact with the co-accused, Sunil Madhavrao Mohite @Beldar, and used to assist him in

transporting the contraband. She submits that the Applicant has admitted as much in his Nivedan Panchanama; however, she fairly concedes that pursuant to said Nivedan Panchanama, the Investigating Officer was unable to find any contraband in food-grains truck. She also submits that certain WhatsApp chats and photographs were found on the mobile phone of the present Applicant, wherein he was sharing this information with the co-accused. She also submits that an amount of Rs.4,00,000/- is seized from the Applicant's bank account, which, according to her, constitutes proceeds of crime. She thus, prays that the Application be rejected.

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

7. Admittedly, the co-accused, Sunil Madhavrao Mohite @Beldar, has been enlarged on bail. There are three accused in the present case, namely Sunil, Govinda and the present Applicant. The chats exchanged between all these

three accused are not of such a nature as to lead to an irrefutable belief that they are acting in conspiracy with each other to distribute the narcotics. *Prima facie*, there is no other material on record to indicate complicity of the present Applicant in the said offence. The role of the Applicant appearing in the charge-sheet is identical to that of the co-accused, Sunil Madhavrao Mohite @Beldar. There are no criminal antecedents against the present Applicant. Hence, *prima facie*, it appears that the Applicant may not be complicit in the said offence. Since there are no antecedents against the Applicant, it is unlikely that he will repeat the offence as alleged. 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 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 between 11:00 a.m. to 02:00 p.m., till the charges are framed;

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.

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

(DR. NEELA GOKHALE, J)