

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 63 OF 2025

Keshav S. Kadu ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Saurabh Ghag a/w. Ms Divya Bhatia, Ms Dakshata Sawant, Ms Nikita Chavan, Mr. Siddhant Raul and Mr.Gopal Sarang for the Applicant.

Ms R.D. Humane, APP for the Respondent/State.

API Pradip Avhad, Kharghar Police Station, Navi Mumbai present.

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CORAM : N.R. BORKAR, J.
DATE : 10.01.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.418 of 2024 registered at Kharghar Police Station, Navi Mumbai for the offences punishable under Sections 8(c), 22(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act, Section 14 (c) of the Foreigners Act and Section 5 of Registration of Foreigners Act.
3. The co-accused in the present crime, who are foreign nationals were residing in the three flats owned by the present applicant. On 13.12.2024, the said flats were searched and the co-accused were found in possession of total 397 grams of Mephedrone (MD). It is alleged that no rent agreement was

executed. It is alleged that if foreign nationals are inducted as tenant, then intimation is required to be given to the police station, however, no such intimation was given.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that the flats in question were let out to co-accused through Estate Agent. It is submitted that there is no material to show that the applicant was aware that the co-accused are drug traffickers and knowingly permitted them to use the flats owned by him for drug trafficking. It is submitted that nothing is to be recovered from the applicant and therefore, there is no need of his custodial interrogation.

6. On the other hand, the learned APP for the respondent/State submits that nothing is produced on record to show that the flats in question were let out to the co-accused through Estate Agent. It is submitted that no rent agreement was executed. It is submitted that mandatory intimation to the police was not given. It is submitted that from the overall circumstances, the only inference which can be drawn is that the applicant was aware of the activities of the co-accused and thus mandatory compliances were not done. It is submitted that considering the nature of the offence, the applicant may not be released on anticipatory bail.

7. Admittedly, the commercial quantity of 397 gram of Mephdrone was found in possession of the co-accused. Nothing is

produced on record to show that the flats were let out to the co-accused through Estate Agent. No rent agreement is produced on record. According to the prosecution, intimation to the police in respect of foreign national tenants is mandatory. However, admittedly no such intimation was given. The learned APP is right that the only inference which can be drawn from overall facts and circumstances is that the applicant was aware about the activities of the co-accused and therefore, the mandatory compliances were not done. Considering the overall facts and circumstances, I am not inclined to release the applicant on anticipatory bail. Hence, the Applicant is rejected.

[N.R.BORKAR, J.]