IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1194 of 2025

Yuvraj Shantaram Patil
Age: 55 yrs, Occ: Police
R/at Patil bunglow No.15,
Audumber Society, Rana Pratap
chowk, CIDCO, Dist.Nashik …… Applicant.

Vs.

The State of Maharashtra
(at the instance of PI Indira
Nagar Police Station) …… Respondent.

Mr Hrishikesh Giri @ Swapnil Chopade for the applicant.
Mr Arfan Sait, APP for respondent/State.
API Sachin Chaudhri, AMC Crime Branch Nashik City.

Coram : R.N.Laddha, J.
Date : 20 June 2025.

P.C. :

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.268 of 2023, registered at Indira Nagar Police Station, Nashik, for the offences punishable under Sections 8(c), 20(b), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS Act”).

2. According to the prosecution, on 5 October 2023, a raid was conducted at Sadik Nagar, Wadalagaon behind MHADA building, inside a tin shed. During this operation, co-accused individuals Wasim Rafique Shaikh and Nasreen Imtiyaz Shaikh were apprehended after they were found to be in possession of Mephedrone and Ganja, the contrabands. The total market value of the seized contrabands was estimated to be Rs.1,89,260/-. Following the seizure, all mandatory procedures and formalities under Sections 41 and 50 of the NDPS Act were duly complete. Thereafter, the accused were taken to the police station, and an offence was registered accordingly. During the course of investigation, it came to light that the present applicant, who serves as a police constable, had frequent and repeated contact with several co-accused during the time the offene was committed. Specifically, the applicant was in communication with accused No.2-Nasreen @ choti Bhabi, over 180 times; accused No.3-Imtiyaz Shaikh, more than 65 times; and accused No.8-Irfan Shaikh, more than 100 times. It was also revealed that the applicant used two different mobile numbers to communicate with the aforesaid accused. Further investigation revealed that the

applicant had knowledge of the criminal activities being carried out and was aware of the contraband dealings. Moreover, there is material indicating that the applicant maintained communication with these other individuals who are accused in the other offences of a similar nature.

3. The learned Counsel appearing on behalf of the applicant, submits that the applicant has not committed any offence as alleged. He is a serving police constable since 1991 and, throughout his career, has maintained an unblemish record with no complaints or inquiries of any nature initiated against him. The applicant has carried out over 400 raids during his service and has been the recipient of several awards in recognition of his performance.

4. The learned Counsel further submits that, in the course of the duty, the applicant maintained contact with several of informants, some of whom had criminal backgrounds, in order to gather intelligence and assist in solving various crimes. Except for the call detail records indicating communication with the accused in the present case, no other incriminating evidence is available against the applicant. There is nothing to be recovered or discovered

from the applicant. Furthermore, the co-accused who are alleged to have played a more active role in the offence have been granted bail. The applicant has no association the with the co-accused and is not involved in the alleged crime. The investigation is complete, and a charge sheet has already been filed against the co-accused. The learned Counsel contends the applicant has been falsely implicated due to political interference and internal departmental politics.

5. The learned Additional Public Prosecutor representing the respondent/ State, vehemently opposes the grant of anticipatory bail to the applicant. He submits that the offence is of a grave and serious nature, involving the recovery of commercial quantities of contraband substances, Mephedrone and Ganja, from the co-accused. In the event the applicant is released on anticipatory bail at this stage, there exists a substantial apprehension that he may tamper with the prosecution evidence or influence witnesses, thereby impeding the ongoing investigation. The learned APP submits that although the charge sheet has been filed against the co-accused, the investigation *qua* the present

applicant is still at a preliminary and nascent stage. He further submits that the SIM cards used by the applicant during the commission of the offence were not registered in his name, raising serious concerns regarding the applicant's attempts to conceal his identity and evade detection. Moreover, the mobile phones used by the applicants are yet to be recovered, which are crucial for establishing the applicant's role in the offence. In the circumstances, according to the learned APP, the custodial interrogation of the applicant is imperative for the proper and effective completion of the investigation.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered a general rule, the same analogy cannot be applied to anticipatory bail. The decision to grant anticipatory bail must be exercised with careful and prudent discretion by the Court, considering each case's specific circumstances. While exercising this power, the Court must exercise caution, as granting protection in serious case could potentially lead to a miscarriage of justice or hinder the investigation. A profitable reference in this regard may be

made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. vs. State of Bihar & Anr., 2024 SCC OnLine SC 282.*

7. Upon perusing the records, it appears that the applicant was serving as a Police Constable at the Indira Nagar Police Station, Nashik, at the relevant time. It further appears that the contraband articles recovered from the possession of the co-accused are of a commercial quantity. The mobile phones allegedly used by the applicant during the commission of the offence are registered in the names of third parties. These devices are yet to be traced, recovered and seized by the investigating agency, and are considered vital pieces of evidence in the ongoing investigation. *Prima facie,* there exists sufficient material on record to suggest that the applicant was in communication with co-accused Nos.2, 3 and 8 during the relevant period in which the alleged offence was committed. Numerous mobile phone conversations and call exchanges have been identified between the applicant and the said co-accused. Moreover, it appears that the applicant was not only in contact with the accused persons in the present case but was also in

communication with individuals involved in the other similar criminal activities. It is alleged that the applicant provided such persons with sensitive or confidential information, thereby facilitating the commission of such offences. The offence is serious, and the applicant's custody is necessary to ascertain the entire supply chain before the vital links are lost. The underground drug business is an organised crime against the society. Such criminal activity must be curbed, and a detailed investigation is required to be carried out with utmost diligence and seriousness.

8. In the totality of the circumstances, I am not inclined to accede to the submission on behalf of the applicant that no *prima facie* offence under the NDPS Act is made out. In cases of this nature, custodial interrogation is vital to uncover the broader conspiracy in its entirety. Granting pre-arrest bail at this stage would hinder an effective investigation. Accordingly, I am not inclined to exercise discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]