

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3088 OF 2025

Akash Santosh Bhale	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Kuldeep Nikam, for the Applicant.
Ms. G. P. Mulekar, APP, for the Respondent-State.
Mr. Krushna Babar, API, attached to Loni-Kalbhor Police Station,
Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th NOVEMBER 2025

PC:-

1. Heard Mr. Nikam, learned Counsel appearing for the Applicant and Ms. Mulekar, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.412 of 2025 registered with Loni Kalbhor Police Station, Pune, for the offence punishable under Sections 8(C), 20(B)(ii)(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS Act”).

3. As per the prosecution case, a woman was found selling narcotic substance- “Ganja” and on enquiry she told her name as Mangal Santosh Bhale and on search, 110 grams “Ganja” was found in her possession and she further stated that the said “Ganja” was given to her by her son-Akash.

4. It is the submission of Mr. Nikam, learned Counsel appearing for the Applicant that the quantity is not commercial quantity. He further submits that although there are 3 antecedents those antecedents are not concerning the offence under the NDPS Act and in those antecedents, the Applicant has been released on bail. He therefore, submits that the Applicant be granted pre-arrest bail.

5. On the other hand, Ms. Mulekar, learned APP strongly opposes the Anticipatory Bail Application. She submits that if the Court is inclined to grant pre-arrest bail, then the condition imposed by the Supreme Court by order dated 20th September 2023 passed in the case of *Abhijeet Jitendra Lolage vs. State of Maharashtra*¹ be imposed.

1 SLP (Crl.) Diary No.2806/2023

6. Mr. Nikam, learned Counsel appearing for the Applicant, on instructions, submits that the Applicant will give such undertaking.

7. Perusal of the record shows that the quantity which is found with the mother of the Applicant is not commercial quantity. However, as per the prosecution case, the mother was found standing by the side of the road by holding yellow colour nylon bag. Therefore, the case of the prosecution is that she was doing the business of sale of contraband. The Supreme Court in the said order in the case of ***Abhijit Jitendra Lolage*** (supra) has imposed the following condition:

*“It is deemed appropriate to impose the condition – “I, Abhijeet Jitendra Lolage do undertake to **not deal with Gutkha, that is Pan Masala with Tabacco**”. In case, the appellant – Abhijeet Jitendra Lolage violates the terms and conditions of bail, including the undertaking imposed, it would be open to the prosecution to seek cancellation of bail.”*

(Emphasis added)

8. Thus, in the facts and circumstances, the condition can be imposed that the Applicant shall give undertaking that he will not deal with Tabacco, Gutkha and Ganja in any manner whatsoever.

9. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant-Akash Santosh Bhale in connection with C.R. No.412 of 2025 registered with the Loni-Kalbhor Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall attend the concerned Police Station once in a month i.e. on 1st Sunday of each month till filing of the chargesheet and shall co-operate with the investigation.
- (c) The Applicant to furnish an undertaking that he will not deal with products i.e. Gutkha, Pan Masala with Tobacco products and Ganja in any manner whatsoever. Such undertaking is to be filed in this Court within a period of two weeks from today. The Applicant to strictly comply with the said undertaking.
- (d) The Applicant shall furnish his cell phone number and

residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall not leave India without prior permission of the Court.
- (h) In case, the Applicant violates the terms and conditions of bail, including the undertaking, it would be open to the prosecution to seek cancellation of bail.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

**SONALI
MILIND
PATIL**

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2025.11.11
15:37:07
+0530