



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 ANTICIPATORY BAIL APPLICATION NO. 1840 OF 2025

Bharat Bhausahab Kasule

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Jadhav Kiran D
APP for Respondents: Mr. A.A.A .Khan.

CORAM : MEHROZ K. PATHAN, J.

DATE : 19th JANUARY, 2026.

P.C. :-

1. The applicant has approached this court seeking anticipatory bail in connection with Crime No.82 of 2025 registered with Beed city Police Station, District Beed for the offences punishable under Sections 123, 278 r/w 3-5 of the Bhartiya Nyaya Sanhita and under Section 8-C & 22-B of the N.D.PS. Act and under Section 18-A, 18-C, 27-B(2) and 27(KH)(2) of the Drugs and Cosmetics Act.

2. The case of the prosecution is that one Manoj Parjane attached to Beed City Police station lodged FIR on 16.05.2025 alleging that, Police Inspector Mr. Ballal called him and other Police staff to his chamber and told them that, he had received secret information that, at Juna Bazar, Beed, one person is selling prohibited drugs illegally. Accordingly a raid was conducted. They found 4 persons near the spot. On their personal search they were found in possession of prohibited drugs. They found Muddemal worth Rs. 2,54,000/-. As such, the FIR came to be filed.

3. Learned counsel for the applicant Mr. K.D. Jadhav submits that the applicant was initially issued a notice under Section 35 of the Bhartiya Nyaya Sanhita vide communication dated 20.5.2025. The applicant attended and cooperated with the investigation in pursuance to the said notice. However, since the applicant was apprehending his arrest in pursuance to the crime registered being FIR No. 82 of 2025, the applicant has approached the learned Special Judge. The learned Special Judge, Beed, vide order dated 19.6.2025 observed that since the applicant was served with a notice under Section 35 of the B.N.S. and the investigation officer has not stated about the necessity of arrest of the applicant in the said crime, the application for anticipatory bail would not be maintainable.

4. The prosecution has then filed a charge sheet in the said crime on 11th August, 2025, wherein, for the first time, the applicant is shown as absconding in the array of accused persons who are related in the said crime. The applicant, apprehending arrest, then approach the learned Sessions Judge for grant of anticipatory bail. The learned Sessions Judge, vide order dated 9.10.2025 has rejected the said application by holding that prima facie case is made out against the applicant. Aggrieved thereby, the applicant has thus approach this court seeking anticipatory bail in the aforesaid crime. The learned counsel for the applicant submits that even the statements relied upon by the prosecution does not make out any case of custodial interrogation of the applicant. The statement of one Vilas Jadhav, at the most, was that the applicant had advised him to keep certain medicines which are now in demand. There is no allegation that the applicant has supplied the said witness with the contraband which is used in the present crime by the accused persons.

4. The learned counsel for applicant submits that the applicant runs a medical store namely Bharat Medicals and is having deep roots in the society and, therefore, not a flight risk. He is also ready to abide by any condition that may be imposed against him.

5. On the other hand, Mr. A.A. Khan, learned APP vehemently opposes the application on the ground that even though the earlier application was disposed of as not maintainable in view of the notice under Section 35 of BNS, and no apprehension of arrest, by the learned Special Judge. The prosecution has found ample material to implicate the role of the present applicant and has filed the charge sheet, in which the applicant is shown to be absconding. The prosecution has collected ample material to bring home the guilt of the applicant in the present crime. The statements of two witnesses, namely, Vilas Jadhav and Rajendra Gadekar would show complicity of the applicant in the present crime. Learned APP further submits that the offence is serious in nature pertaining to NDPS Act and as such, rigors of Section 37 would apply and as such, the applicant may not be released on bail.

6. I have gone through the order dated 19.6. 2025 passed by the Special Judge, Beed as well as the order dated 9.10.2025 passed by the learned Special Judge. The charge sheet placed on record alongwith the present application contains the statements of two witnesses, Vilas Jadhav and Rajendra Gadekar. Perusal of the statement of Vilas Jadhav does not prima facie show any involvement of the applicant in the seized contraband. The state of Rajendra Gadekar shows that he was a transporter who had transported some of the medicines in a packed containers/boxes, to many medical shop owners after collecting the same from Renuka Medicals, Pangri, Dist. Beed and delivered the same to the medical shop run by the present applicant Bharat. Perusal of these two statements do not show any major role of the applicant in either

possessing or supplying the contraband. The investigating Officer, taking into consideration the role of the present applicant appears to have issued a notice under Section 35 of the B.N.S. and did not ask for any arrest and as such, the Special Judge, Beed disposed of the anticipatory bail application vide order dated 19.6.2025 as not maintainable. The charge sheet shows the applicant to be absconding. However, there is no sufficient material on record to connect the applicant in the present crime, except for some suggestion given to some of the medical shop owners for storing the said contraband medicines in their medical shops for sale. The custodial interrogation of the applicant, therefore, would not be necessary as the charge sheet is already filed in the present crime. Further investigation, if any, as against the applicant can be carried out, however, without custodial interrogation of the applicant. So far as the apprehension of the APP is concerned, same can be taken care of by imposing appropriate conditions. As such, I am inclined to protect the applicant. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No. 82 of 2025, registered at Beed City Police Station, District Beed for the offence under Sections 123, 278 r/w 3-5 of the Bhartiya Nyaya Sanhita and under Section 8-C & 22-B of the N.D.P.S. Act and under Section 18-A, 18-C, 27-B(2) and 27(KH)(2) of the Drugs and Cosmetics Act, the applicant Bharat Bhausahab Kasule be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, with one or more sureties in the like amount, on the following conditions :-

[i] The applicant shall attend the concerned police station and report to the Investigating Officer on 29th and 30th January, 2026 and 6th and 7th February, between 11.00 a.m.

to 1.00 p.m. and thereafter till filing of supplementary charge sheet, if any, against the present applicant.

[ii] The applicant shall not tamper with the prosecution evidence.

[iii] A single violation of the conditions imposed by this Court shall entitle the prosecution to seek cancellation of bail.

[iii] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives and his current address.

[iv] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-