



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO.72 OF 2026**

Kailashpuri Rajeshpuri Goswami                      ... **APPLICANT**

**VERSUS**

The State of Maharashtra                      ... **RESPONDENT**

.....  
Mr. S.B.Choudhari, Advocate for applicant  
Mr. B.B. Bhise, A.P.P. for respondent – State  
.....

**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 11th FEBRUARY, 2026**

**PER COURT :**

1.            This is an application for regular bail in connection with Crime No.344/2022, registered with Anandnagar Police Station, District Dharashiv for the offences punishable under Sections 20, 20(b), 20(g), 29, 8 of the Narcotic Drugs and Psychotropic Substances Act and Section 201 of the Indian Penal Code.

2.            The prosecution case is that, a car bearing Registration No.RJ-06/CF-0438 met with an accident on Solapur-Dhule Highway at Osmanabad. The police reached on the spot and

noticed that the vehicle was carrying Narcotic drugs Ganja. The vehicle was brought at Anandnagar Police Station, Osmanabad and was kept under vigilance, in which Ganja weighing 123.454 Kgs. was found in 62 packets.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the case. The only assertion is that, the applicant was escorting the vehicle carrying prohibited substance, met with an accident is an independent vehicle. As such, the applicant cannot be regarded in conscious possession of the contraband. As such, the applicant is entitled to be released on bail.

4. Per contra, the learned A.P.P. has vehemently opposed the application, submitting the complicity of the applicant is evident from the fact that the applicant and the accused who was travelling in the vehicle which met with an accident carrying the contraband are connected with each other, which is evident from the call details and money transaction. Apart from the same, the registration of the F.I.R. in Gujarat and Rajasthan States, involving the accused person indicates complicity of the applicant. Thus, the complicity of the applicant is evident and nonetheless, it exceeds the commercial quantity since the quantity is 123.454 kgs.

5. Upon hearing the learned counsel for the applicant and the learned A.P.P. and perusal of the record including the charge sheet, prima facie it is evident that the applicant and the accused persons are working in tandem. The registration of the F.I.R. at Gujarat and Rajasthan States involving accused persons, prima facie, sufficiently establishes complicity of the present applicant with the accused persons. Apart from the aforesaid aspect, although the applicant is found in a different vehicle, however, the fact remains that the applicant and the other accused persons were in continuous contact with each other after procurement of the contraband in question from the vehicle which toppled in an accident, was escorted in a vehicle, wherein the applicant was occupied. Nevertheless, the contraband is procured from Gujarat State and eventually carried in the State of Maharashtra which exceeds commercial quantity.

6. Thus, prima facie the overwhelming evidence sufficiently establishes the complicity of the applicant in the crime. Equally, Section 35 of the NDPS Act would spring into action once the quantity of the contraband exceeds the commercial one. In that view of the matter, I am of the considered opinion that the discretion cannot be exercised in favour of the applicant.

7. The Hon'ble Apex Court in case of Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010)14 SCC 496], has held that the mechanical grant of bail reflects non-application of mind, and outlined various crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

8. Equally, the Hon'ble Apex Court in case of State of UP through CBI Vs. Amaramani Tripathi [(2005) 8 SCC 21], has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the applicant was found in possession with the contraband.

9. The Honourable Apex Court in the case of Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670) has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offence.

10. Considering the material available, a clear prima facie case is made out indicating the involvement of the accused.

Equally, the Hon'ble Apex Court has consistently reiterated that when considering bail application/s in serious offences, the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

11. Similarly, the Hon'ble Apex Court in case of Ram Govind Upadhyay Vs. Sudarshan Singh [(2002) 3 SCC 598], has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous / serious offences.

12. Equally, the submissions put forth by the learned A.P.P. lends support in the wake of observations rendered in **Narcotics Control Bureau Vs. Kashif (2024 INSC 1045)**, wherein the Hon'ble Apex Court held that the lapse or delayed compliance of procedural irregularity with Section 52(a) would not entitle the accused to be enlarged on bail. As such, the applicant cannot seek benefit of the same.

13. In the present case, the FIR indicates that 123.454 Kgs. of ganja was discovered. Similarly, the Certificate of Inventory issued under Section 52-A of the NDPS Act confirms that the aggregate weight of the psychotropic substance. Same indicates that the accused was in conscious possession of cannabis.

14. Equally, it appears that, the contraband seized at the instance of the applicant exceeds the commercial threshold of 20 Kgs. Given the massive scale of the seizure vis-a-vis registration of offence in other States, the possibility of involvement of applicant in trafficking network cannot be ruled out. Consequently, relying upon aforesaid facts and principles, this Court does not find merit in the application.

15. Considering these circumstances, a prima facie case exists against the applicant.

16. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is rejected.

**(SACHIN S. DESHMUKH, J.)**

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