



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

BAIL APPLICATION NO. 80 OF 2026

Dilawar Altaf Khan,
Age 34 years, Occ. Flower Seller,
R/at Room No. 201, Transit Camp
No. 3/6, Plot no. 13/33, Near
Maratha Colony, Santacruz (E),
Mumbai 400 055,
Presently at Room No. 107
Aman building, Golibar Road,
Santacruz (E) Mumbai

... **Applicant**

VERSUS

1) Union of India,
Through Intelligence Officer,
Directorate of Revenue,
Intelligence, Pune Regional Unit.

2) The State of Maharashtra,
Through Public Prosecutor

... **Respondent.**

...

Advocate for Applicant : Mr. Sherali S. Khan
Advocate for Respondent No. 1 : Mr. P.P. Dawalkar, Sr. Standing Counsel for
D.R.I.

Addl.PP for Respondent No. 2 : Mr. A.R. Kale

...

WITH

BAIL APPLICATION NO. 366 OF 2026

Gona Balanarasimha Reddy,
Age 44 years, Occ. Business/Technician,
R/o/ 1-28A Mallavemulla, Nallavemula,
Karnool, Andhra Pradesh.

... **Applicant**

VERSUS

The State of Maharashtra,
Through Public Prosecutor

... **Respondent.**

...

Advocate for Applicant : Mr. Chavan Sudhir R.
Advocate for Respondent : Mr. P.P. Dawalkar, Sr. Standing Counsel for D.R.I.
Addl.PP for Respondent/State : Mr. A.R. Kale

CORAM : **SHAILESH P BRAHME, J.**
DATE : **15.04.2026**

PER COURT :

Heard both sides.

2. The applicants are arrested in connection with F. No. DRI/MZU/PuRU/INT-47/2025, registered At Directorate of Revenue Intelligence (DRI), Pune, Regional Unit, Dist. Pune for the offences punishable under Section 8C, 21, 21(C), 22, 22©, 25, 27A, 28, 29, 30, 35, 54 of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and they are seeking enlargement on bail.

3. Applicant Dilawar Khan is arrested on 09.04.2025. Another applicant Gona Reddy was arrested on 16.07.2025. The charge-sheet is filed on 14.10.2025.

4. A complaint is lodged by competent authority against nine persons including applicants. They are accused no. 7 and 9. It is reported that having received secret information of illicit manufacturing, possession, transaction, transport, import, and financing illicit manufacture and trafficking of psychotropic substance, Mephedrone, a raid was conducted at the premises belonging to accused no. 1 Pramod Kendre at Rohina Tq. Chakur, Dist. Latur. It was followed by search and seizure, revealing a contraband substance having stored for illegal purpose. The contraband Mephedrone weighing 11.36 k.g. was seized and few of the accused were apprehended. It is alleged that applicant Dilawar Khan is a financier and/or purchaser. Applicant Gona Reddy is alleged to have supplied raw material, from Hyderabad and the payment is alleged to have been arranged by applicant Dilawar Khan and co-accused Mohammad Wasim Shaikh.

5. Learned counsel Mr. Sherali S. Khan appearing for the applicant Dilawar Khan submits that both the applicants are implicated in the offence

on the basis of statement of the co-accused, which is inadmissible under Section 67 of NDPS Act. No incriminating material is found against the applicants. The WhatsApp chat between applicants and co-accused is inadmissible, which is sought to be relied upon. There is no material to show that applicants had provided funds for purchasing the contraband. The stand of the prosecution is inconsistent. Applicant is released on bail in RA No. 1685/2025 and he cannot be said to be habitual.

6. Learned counsel Mr. Sudhir Chavan for applicant Gona Reddy would adopt the submissions and additionally would submit that the raw material supplied by his client was not a contraband. He was not concern with the raid and the seizure. The raw material is dual standard natural solvents. He is conducting lawful business at Hyderabad and falsely implicated in the offence.

7. Both the applications are contested by advocate Mr. P.P. Dawalkar by filing distinct affidavits in reply. It is submitted that applicants in collusion with other accused persons are running a syndicate involving manufacturing of contraband. They have played active role. Incriminating material has been recovered during the course of investigation. The statements recorded during the course of investigation can be useful for the investigation and consideration of applications for bail. Applicant Dilawar Khan is found to have been using three distinct mobile numbers. There is a corroboration for his role of supplying of funding for the contraband. The coordination between him and Mohammad Wasim Shaikh is traced out. The admissibility of the statement of the co-accused can be dealt with during the course of trial. Bail is exception in the cases registered under the N.D.P.S. Act.

8. Mr. Dawalkar would resist application of Gona Reddy contending that even supplying of raw material is incriminating as per Section 54 of the Act. My attention is adverted to the contents of paragraph nos.5.5 and 5.6 of the reply. A link is established between him and main perpetrator.

9. Applicant Dilawar is resident of Santacruz, Mumbai. Accused No.1 Pramod Kendre is from Latur. The raid was conducted at his premises located at village Ruhina, Taluka Chakur, District Nanded. Another applicant Gona Reddy is resident of Hyderabad. Applicant Dilawar Khan is stated to be financier and applicant Gona Reddy is supplier of raw material. No specific role is attributed to them at the first instance.

10. During the course of investigation the statements of applicant Dilawar Khan and Gona Reddy were recorded, under Section 67 of N.D.P.S. Act. Those are not admissible and for that purpose the following judgments are cited :

(i) Tufan Singh Vs. State of Tamil Nadu ; AIR 2020 Supreme Court 5592.

(ii) State (By NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta and another ; (2022) 12 Supreme Court Cases 633.

(iii) Bharat Chaudhary Vs. Union of India ; (2021) 20 Supreme Court Cases 50

(iv) Ramjan Laldesaab Shaikh (Mugut) Vs. Union of India and others in Bail Application No.2683 of 2023.

11. I find that there is no independent material to connect the applicants to illicit manufacturing, transporting, selling of contraband. It reveals from the papers of the investigation that main perpetrators are accused Nos.1 to 5. The WhatsApp chat collected during the course of investigation in between applicant Dilawar Khan and co-accused cannot be per se incriminating. No reliance can be placed on statement of accused No.1 Pramod Kendre.

12. The allegations against the applicant Dilawar Khan was that he was using different mobiles has emanated from the statements recorded under

Section 67. There is no independent material to show that any payment is made by applicant Dilawar Khan to co-accused.

13. The submissions of the learned counsel for the respondent that there is presumption under Section 54 of the Act is countered by advocate Mr. Khan by relying upon judgment of ***Sanjeet Kumar Singh @ Munna Kumar Singh Vs. State of Chhattisgarh ; (2022) 16 Supreme Court Cases 58***. It is observed as follows :

“34. It is true that Section 54 of the Act raises a presumption and the burden shifts on the accused to explain as to how he came into possession of the contraband. But to raise the presumption under Section 54 of the Act, it must first be established that a recovery was made from the accused. The moment a doubt is cast upon the most fundamental aspect, namely the search and seizure, the appellant, in our considered opinion will also be entitled to the same benefit as given by the Special Court to the co-accused.”

14. No recovery has been made at the instance of either of the applicants.

15. In case of application of Gona Reddy, the raw material per se is not contraband. No material is pointed out that the raw material has been illegally manufactured or transported by him. I also do not find any incriminating material to deny any relief to him. Both the applicants are arrested in April 2025. There is sufficient incarceration. Further detention is not warranted. The solitary offence registered against the applicant Dilawar Khan cannot be a ground detrimental to his claim. I, therefore, pass the following order :

16. Bail Applications are allowed.

17. The applicants shall be released on bail in connection with F. No. DRI/MZU/PuRU/INT-47/2025, registered At Directorate of Revenue Intelligence (DRI), Pune, Regional Unit, Dist. Pune for the offences

punishable under Sections 8C, 21, 21(C), 22, 22(C), 25, 27A, 28, 29, 30, 35, 54 of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) on following conditions:

- (a) The applicants **Dilawar Altaf Khan** and **Gona Balanarasimha Reddy** shall furnish PR. bond of Rs. 1,00,000/- (Rs. One Lakh only) each with one or more solvent surety of like amount each.
- (b) The applicants shall not leave the country and if the applicants have a passport, they shall surrender the same to the trial Court;
- (c) The applicants shall furnish to the IO/SHO concerned his cellphone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched -on at all times;
- (d) The applicants shall drop a Google pin location from his mobile phone to the IO concerned so as to show his whereabouts everyday;
- (e) The applicants shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
- (f) The applicants or their family members/relatives /friends will not contact or try to intimidate the complainant or her family or tamper with any of the witnesses in anyway.
- (g) The applicants shall cooperate for expeditious disposal of the trial.

18. Bail applications are disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-