



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 71 OF 2026

Deepak Subhash Dhakne

VERSUS

The State Of Maharashtra

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- Mr. Sohail Subhekar, Advocate h/.f Mr. N. S. Ghanekar, Advocate for Applicant
- Mr. K. K. Naik, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 28.01.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. Issue notice to the respondent - State. The learned APP waives notice on behalf of the respondent – State.
3. The applicant has approached this Court apprehending arrest in connection with FIR No. 82 of 2025 registered with Beed City Police Station, District Beed, for the offences punishable under Sections 123, 278 read with Section 3(5) of the BNS, under Sections 8-C and 22-B of the NDPS Act, and under Sections 18-A, 18-C, 27-B(2) and 27(Kh)(2) of the Drugs and Cosmetics Act.
4. The case of the prosecution is that one Manoj Parjane, attached to Beed City Police Station, lodged an FIR on 16.05.2025 alleging

that Police Inspector Mr. Ballal called him and other police staff to his chamber and informed them that he had received secret information that at Juna Bazar, Beed, one person was illegally selling prohibited drugs. Accordingly, a raid was conducted. Four persons were found near the spot. Upon their personal search, they were found in possession of prohibited drugs. Muddemal worth Rs.2,54,000/- was seized. As such, the FIR came to be registered.

5. Mr. Subhedar, Advocate h/f. Mr. Ghanekar, learned counsel for the applicant, submits that the applicant was initially issued a notice under Section 35 of the BNSS and was directed to remain present on 04.08.2025. The applicant attended the Investigating Officer and cooperated with the investigation. Thereafter, the medical shop run by the wife of the present applicant, namely *Renuka Medical Shop*, was searched; however, no incriminating material or contraband was found. In the meanwhile, the charge-sheet came to be filed wherein the applicant was shown as absconding. Consequently, the applicant approached the learned Sessions Judge, Beed, by filing an application for anticipatory bail. The learned Sessions Judge called upon the Investigating Officer, who issued a notice under Section 35(3) of the BNSS and sought an explanation as to why the applicant was shown as absconding in the charge-sheet. The Investigating Officer relied upon the statements of two witnesses, namely Vilas Jadhav and

Rajendra Gadekar, and submitted that custodial interrogation of the applicant was necessary as he was found to be one of the suppliers of contraband to various accused persons. Accordingly, the application came to be rejected by the learned Sessions Judge.

6. The learned counsel for the applicant submits that issuance of notice under Section 35(3) of the BNSS itself shows that there was no necessity of arrest or sufficient material to arrest the applicant. The applicant has cooperated with the investigation, and even upon search of *Renuka Medical Shop*, no incriminating material or contraband was found. The applicant has no criminal antecedents. The co-accused Bharat Kasule, against whom there are identical allegations of keeping contraband medicines in his shop, has already been released on anticipatory bail by this Court vide order dated 19.01.2026 passed in Anticipatory Bail Application No. 1840 of 2025. Hence, on the principle of parity also, the applicant deserves protection.

7. As against this, the learned APP strongly opposes the present application. He submits that the role of the applicant is clearly borne out from the statements of two witnesses, namely Vilas Jadhav and Rajendra Gadekar. The financial transactions between accused Bharat Kasule and the present applicant are reflected in their bank statements. The statement of transporter Rajendra Gadekar shows

that the alleged contraband was supplied from the medical shop run in the name of the wife of the present applicant, and the applicant is specifically named in the statements of both witnesses. Hence, custodial interrogation of the applicant is necessary to unearth the entire conspiracy of supply of contraband in the city. The investigation involves several accused and is complex in nature. If released on bail, the applicant may misuse the liberty and prejudice the prosecution case. On the issue of parity, it is submitted that in the case of Bharat Kasule, the transporter had stated that medicines were supplied to him; however, Rajendra Gadekar has specifically stated that the contraband was supplied after being loaded from the medical shop of the present applicant. Thus, the financial transactions connect the present applicant with the offence, and the principle of parity would not apply.

8. I have gone through the charge-sheet placed on record by the learned counsel for the applicant as well as the statements relied upon by the learned APP, including the bank statements of accused Bharat Kasule and the present applicant Deepak Dhakne. The perusal of the statement of witness Rajendra shows that he is a transporter who transported medicines in packed containers to several medical shop owners after collecting the same from *Renuka Medical Shop* run in the name of the present applicant. The statement shows that he

was initially not aware of the contents of the packages; however, later he came to know that the medicines contained contraband, namely Alprazolam. The applicant is in the business of running a medical shop, and several medicines were transported by the said transporter from his shop. Insofar as the statement of Vilas Jadhav is concerned, it does not specifically attribute any role to the present applicant in commission of the crime. These observations are prima facie in nature and are made only for deciding the present application for anticipatory bail and shall not influence the trial Court. The apprehensions expressed by the learned APP can be adequately addressed by imposing stringent conditions. Hence, I am inclined to protect the present applicant.

9. Taking into consideration the earlier order passed by this Court in the case of Bharat Kasule vide order dated 19.01.2026 in Anticipatory Bail Application No. 1840 of 2025, I am inclined to protect the present applicant. Hence, the following order :-

ORDER

- i. In the event of arrest of the Applicant – Deepak Subhash Dhakne, he shall be released on bail on furnishing a PR. bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, in connection with FIR bearing Crime No. 82 of 2025 registered with Beed City Police Station, District Beed, for the offences punishable under Sections 123, 278 read with Section 3(5) of the BNS,

Sections 8-C and 22-B of the NDPS Act and Sections 18-A, 18-C, 27-B(2) and 27(Kh)(2) of the Drugs and Cosmetics Act, on the following conditions:

- A) The Applicant shall attend the concerned police station and report to the Investigating Officer on 3rd, 4th, 10th, 11th, 17th and 18th February, 2026 between 12:00 noon and 02:00 p.m., and thereafter as and when called by the Investigating Officer till filing of the supplementary charge-sheet, if any.
- B) The Applicant shall also cooperate with the investigation.
- C) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- D) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with addresses and mobile numbers of two nearest relatives.

10. Needless to say, a single violation of any of the aforesaid conditions and any subsequent offence under NDPS Act, may entitle the prosecution to seek cancellation of the anticipatory bail granted herein above.

11. In view of the above, the application stands disposed of.

(MEHROZ K. PATHAN, J.)