IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 548 OF 2026

Santosh Anil Gaikwad ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

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Adv. Yogiraj B. Purwant, for Applicant.
Mr. Shriram Chaudhari, learned APP for the Respondents-State.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 23rd OCTOBER, 2026.

P.C. :

By this application, the applicant is seeking regular bail in connection with Crime No.0262 of 2025, registered with Barshi Taluka Police Station, District Solapur Rural, for the offences punishable under Sections 20(b)(ii)(c), 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The applicant is behind the bar since 29.08.2025. The charge-sheet is filed on 11.02.2026. The applicant seeks enlargement on bail on the ground of parity.

3. The learned counsel appearing for the applicant submits that accused Nos.1, 3 and 4 were only present when the raid was conducted

and apprehended. The accused Nos.6, 7, 8 have already been released on bail. The role attributed to accused No. 8 - Amrut Mahadev Ithape is identical to that of the applicant. My attention is adverted to the orders passed by the Co-ordinate Bench while releasing Dayanand Mahadev Aarkile and Amrut Mahadev Ithape on bail. It is submitted that though two offences are pitted against him, Amrut having similar background was directed to be released on bail.

4. Per contra, learned APP appearing for the respondent- State submits that the huge monetary transaction noticed between present applicant and the accused NO.1. Applicant is the purchaser of the contraband and habitual. It is submitted that the transaction are with accused No.2 also. As the huge quantity of contraband is recovered, it would be risky to release the applicant on bail. He is likely to commit similar type of offence.

5. First information report does not show any involvement of the applicant. The say filed by PP before the Special Court seeking remand of the accused would indicate that role of the applicant came to light in the investigation from the statements of accused Nos.1, 2 and 5. The bank transaction between applicant and the accused No.1 and 2 are tried to be justified by counsel appearing for the applicant pointing out that applicant No.1 is transporter and accused No.2 is manufacturer. The business transaction between them per se cannot be inculpatory.

6. I have gone through the orders passed by the Co-ordinate Bench in granting on bail. The common order dated 15.06.2026 passed in case of accused No.6 and accused No.8 is most relevant. The accused No.8, Amrut, was also having antecedent of similar nature. It was disclosed to the High Court, still he was granted bail. I propose to adopt the same course.

7. The applicant is behind the bar since 29.08.2025. Further incarceration is not required. The stringent condition can be imposed while granting him bail. Hence, I pass the following order :

::ORDER::

(i) Bail Application is allowed.

(ii) Applicant shall be released on bail in Crime No.0262 of 2025, registered with Barshi Taluka Police Station, District Solapur Rural, for the offences punishable under Sections 20(b)(ii)(c), 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) on furnishing P.R. bond of Rs.50,000/- with one or more solvent sureties in the like amount on the following conditions :

(A) The applicant shall attend the concerned Police Station and report to the Investigating Officer on 1st and 15th of every month, between 11:00 a.m. to 02:00 p.m. regularly till the conclusion of trial.

(B) The applicant shall also co-operate 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 submit copy of his Aadhar Card and Pan Card to the Investigating Officer along with mobile numbers and addresses of two of his near relatives/friends.

(E) Any single violation of the applicant attending the condition imposed by this Court shall entitle the prosecution to seek cancellation of the bail.

8. The application is allowed accordingly.

[SHAILESH P. BRAHME, J.]