IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 868 OF 2026

Vinod Sukhadev Bhosale ...Applicant

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Shailesh Chavan a/w Ajinkya Sangitrao, Advocate for the Applicant.
Mr. S. S. Chaudhari, APP for the Respondent – State.
S. R. Gaikwad, Tembhurni Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.
DATE : 14th October, 2026.

P.C. :

1. Heard Mr. Shailesh Chavan, learned Advocate for the Applicant and Mr. S. S. Chaudhari, learned APP for the Respondent – State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks bail in connection with Crime No. 395 of 2026, registered at Tembhurni Police Station, for offences punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act, 1985).

3. Mr. Shailesh Chavan, learned Advocate for the Applicant, states that there are two (2) Accused in Crime No. 395 of 2026. He states

that the Applicant is Accused No. 1, whereas Suraj Londhe is Accused No. 2. He further states that Crime No. 395 of 2026 is registered as NDPS Case No. 10 of 2026 and is pending before the Additional Sessions Judge, Barshi ("Trial Court").

4. The prosecution case is that upon receiving secret information, the raiding team raided a bungalow occupied by the Accused No. 2(Suraj Londhe). During the raid, the police found the Applicant in the bungalow. From a cupboard in the said bungalow, contraband (Ganja) weighing 3 Kgs 161 grams, valued at Rs 1,58,050/-, was recovered.

5. Applicant was arrested on 06.06.2026. Bail Application at Exhibit-4, filed by the Applicant in NDPS Case No. 10 of 2026, was rejected by the Trial Court on 18.08.2026.

6. Mr. Shailesh Chavan, learned Advocate for the Applicant, submits that the contraband was recovered from the bungalow owned and possessed by Accused No. 2 (Suraj Londhe). He submits that the Applicant has no connection with the bungalow. He submits that Accused No. 2, is the brother-in-law of the Applicant. He submits that the Applicant was in the bungalow because he had visited his brother-in-law. He submits that no contraband was recovered from

the Applicant's possession, nor was it recovered at the Applicant's instance. He submits that the contraband was recovered from a cupboard in the bungalow, which Accused No. 2 possessed.

7. Mr. S. S. Chaudhari, learned APP for the Respondent – State, submits that although the contraband was recovered from the bungalow of the Accused No. 2, the Applicant was found in the said bungalow at the time of raid and as such, is deemed to be in possession of the contraband.

8. Perused the record with the assistance of the learned Advocates for the parties.

9. The contraband (Ganja) in the present case is of an intermediate quantity. Accordingly, the rigours of Section 37 of the NDPS Act, 1985, do not apply to the present case.

10. A perusal of the records in the file of this application indicates that the Applicant was found in the bungalow from which the contraband was seized. The FIR itself indicates that the contraband was seized from a cupboard in that bungalow, which belongs to Accused No. 2.

11. Mr. Shailesh Chavan, learned Advocate for the Applicant, has

submitted that the Applicant's presence in the house from where the contraband was recovered was on account of his having visited the Accused No. 2, who is the Applicant's brother-in-law.

12. The Hon'ble Supreme Court in the case of *Rakesh Kumar Raghuvanshi vs. State of M. P.*[1], in paragraph No. 21 has observed as follows :-

> *21. Conscious possession refers to a scenario where an individual not only physically possesses a narcotic drug or psychotropic substance but is also aware of its presence and nature. In other words, it requires both physical control and mental awareness. This concept has evolved primarily through judicial interpretation since the term "conscious possession" is not explicitly defined in the NDPS Act. This Court through various of its decisions has repeatedly underscored that possession under the NDPS Act should not only be physical but also conscious. Conscious possession implies that the person knew that he had the illicit drug or psychotropic substance in his control and had the intent or knowledge of its illegal nature.*

13. The Respondent has not placed any material on record to show that the Applicant had conscious possession of the contraband. It appears that since nothing was found in the Applicant's possession, the provisions of Section 29 of the NDPS Act, 1985 were applied. Nothing on record prima facie shows any conspiracy between the Applicant and Accused No. 2. Based on the facts revealed in the charge sheet, I am satisfied, prima facie, that the Applicant's

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continued custody pending trial in NDPS Case No. 10 of 2026, is not required.

14. In view of the above, this Application is allowed on the following conditions:

(a) Applicant is directed to be released on Bail in connection with C.R. No. 395 of 2026, registered with Tembhurni Police Station, upon furnishing a P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two sureties, in the like amount, to the satisfaction of the Additional Sessions Judge, Barshi in NDPS Case No. 10 of 2026.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade that person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence.

(c) Applicant shall, within three (3) days of his release from jail, provide to the Investigating Officer, Tembhurni Police Station, his residential address with proof,

the contact numbers, WhatsApp number and must inform the Investigating Officer about the change in the same from time to time.

(d) Applicant shall report to the Investigating Officer, Tembhurni Police Station, on the 2nd Monday of each month, from 10:00 a.m. to 12:00 noon, till the framing of charge in NDPS Case No. 10 of 2026.

(e) Applicant shall regularly appear before the Trial Court in NDPS Case No. 10 of 2026, as and when the matter is fixed, unless specifically exempted. If the Applicant fails to appear before the Trial Court, on the date fixed, it shall be treated as a breach of condition and the Trial Court, shall be at liberty to pass appropriate orders.

(f) In the event of any default in complying with the conditions or misuse of the liberty granted to the Applicant, the prosecution shall be at liberty to seek cancellation of bail.

(g) Applicant shall not commit similar offences punishable under the NDPS Act.

15. The observations made in the present order are meant for the purpose of deciding the Bail Application and would not have any impact on the trial.

16. Bail Application No. 868 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

ARJUN KRISHNA RODGE
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Date: 2026.10.15 19:22:00 +0530