

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2378 OF 2025

Prakash Ravsaheb Kakade ... Applicant

V/s.

The State of Maharashtra ... Respondent

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RAMESH
JADHAV
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Mr. Amit Icham (through V.C.) for the applicant.

Mr. Nitin B. Patil, APP for the State.

A. S. Pawar, ASI, Vijapur Naka Police Station is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : FEBRUARY 11, 2026

P.C.:

1. By the instant bail application filed under Section 439 of the Criminal Procedure Code, 1973, the applicant is seeking regular bail in connection with Crime Register No. 661 of 2021 registered with Vijapur Naka Police Station for the offences punishable under Sections 8(c), 20(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is the case of the prosecution that on receiving confidential information, a raid was conducted, and contraband was recovered

from the car. The accused were arrested. The applicant was arrested as he is the owner of the vehicle.

3. Learned counsel for the applicant submitted that his name was not mentioned during the earlier stages of investigation. It was only when one of the witnesses stated that the car used in the crime was purchased by the applicant from him that the present crime is registered against the applicant.

4. Learned counsel for the applicant submitted that two of the accused in this case, who were in possession of the contraband, have already been released on bail. While granting bail to one of the co-accused, this Court observed that the quantity involved could not be treated as a commercial quantity, as it was weighed along with leaves and flowers, and consequently, the said co-accused was released on bail. The applicant seeks parity with the said co-accused. It is submitted that the applicant was not present at the spot and denies having purchased the car from the person who made the statement. There is no documentary evidence to show that he purchased the car. As other co-accused have been granted bail, learned counsel prayed for parity, contending that no case is made out against the applicant since the quantity cannot be

considered commercial. Hence, he prayed for release of the applicant on bail.

5. Learned APP vehemently opposed the application, submitting that the applicant was absconding for nine months before being arrested. It is contended that he is the purchaser, as the contraband was recovered from his car. Considering the quantity of the contraband and the CDR report showing numerous calls from the applicant to one of the accused, it is submitted that the role of the applicant is significant in the commission of this crime. Hence, learned APP prayed for rejection of the application.

6. Heard learned counsel for the applicant and learned APP

7. The role attributed to the applicant is that the car used in the alleged crime is purportedly owned by him. The applicant, however, denies having purchased the said car, and there is no documentary evidence to establish his ownership. His arrest is based solely on the statement of one of the witnesses, and his name is not mentioned in the FIR. As one of the co-accused has already been released on bail, the ground of parity is available to the applicant.

8. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant - Prakash Ravsaheb Kakade is directed to be released on regular bail in connection with Crime Register No. 661 of 2021 registered with Vijapur Naka Police Station for the offences punishable under Sections 8(c), 20(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, upon furnishing a personal bond of Rs. 25,000/- with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report the Vijapur Naka Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction

of the Trial Court without prior permission.

e) The applicant shall not indulge in any criminal activity during the pendency of the trial.

f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

9. The bail application is allowed and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)