

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

CRIMINAL BAIL APPLICATION NO. 241 OF 2026

Ashaphak Bashir Patwegar

VERSUS

The State of Maharashtra

...

Mr. Kuldeep U. Nikam, Advocate for Applicant.

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

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 15<sup>th</sup> APRIL, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 422 of 2025 dated 09.08.2025 registered with Sangli City Police Station, District Sangli for the offences punishable under Sections 123, 278, 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 18(c), 27 and 28(a) of the Drugs and Cosmetics Act, 1940. (Act of 1940)

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. There is non compliance of the provisions regarding search and seizure as per the Act of 1940. It was not open for the informant to invoke the provisions of the Act of 1940, in absence of valid authorization. The co-accused are

enlarged on bail. Since, the investigation is complete and the charge-sheet is filed, further incarceration of the applicant is not required. Hence, prayed to allow the application.

3. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The recovery is effected at the instance of the applicant. There are other similar offences pending against the applicant. An apprehension is also expressed that if the applicant is enlarged on bail, there is every possibility of applicant repeating crime of similar nature. Hence, prayed to reject the application.

4. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet indicates that there is *prima facie* absence of material on record to indicate authorization to lodge report. Moreover, certain contentions regarding non-compliance of the Act of 1940 are raised, the same can be adequately addressed during the trial.

5. Further more the co-accused are enlarged on bail. The investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial

can be commenced and concluded within a reasonable period. In this view of the matter, further incarceration of the applicant would be unjustified.

6. As far as the apprehension expressed by the learned A.P.P. in relation to possibility of applicant committing another crime of similar nature, the same can be adequately taken care of by imposing stringent conditions.

7. Hence, the order :-

### **ORDER**

I. The bail application is allowed.

II. Applicant - Ashaphak Bashir Patwegar be released on bail, on furnishing PR. bond in the sum of Rs.1,00,000/- (Rs.One Lakh) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 422 of 2025 dated 09.08.2025 registered with Sangli City Police Station, District Sangli for the offences punishable under Sections 123, 278, 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 18(c), 27 and 28(a) of the Drugs and Cosmetics Act, 1940, on the following conditions :-

(a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

(d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

III. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

**[SACHIN S. DESHMUKH, J.]**