

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

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 335 OF 2026

Amrut Mahadev Ithape ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH

CRIMINAL BAIL APPLN. NO. 336 OF 2026

Anand Vilas Kale ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

*Mr. Ashutosh Purwant a/w. Mr. Yogiraj B. Purwant for the Applicants.
Ms. Ashvini A. Takalkar, A.P.P. for the Respondent-State in BA/335/2026.
Mr. A.S. Shalgaonkar, A.P.P. for the Respondent-State in BA/336/2026.*

Coram : MEHROZ K. PATHAN, J.

Date : 15th June 2026.

PER COURT :

1. The Applicants have approached this Court seeking regular bail in connection with F.I.R. No. 0262 of 2025, dated 22/08/2025, 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. Learned counsel for the Applicants Mr. Purwant submits that the Applicants are implicated in the present crime only on the basis of some information provided by the arrested accused persons. The main accused Mr. Ankush Bangar was caught on the spot along with contraband. There are allegations in the custody remand report submitted by the prosecution that the Applicants have some exchange of transactions of money with other co-accused. The transactions also are prior to the raid being conducted, wherein there are allegations of transportation of the contraband ganja for sale. The sale had not effected and still the Applicants are arraigned as an accused only on the basis of some transactions with the other arrested co-accused. The Applicant – Anand Kale is not having any antecedents. The Applicant - Anand Kale is arrested on 26/08/2025 and is languishing in jail since then. The investigation is complete. The chargesheet is already filed. There are several witnesses shown by the prosecution to be examined. The trial will take time to complete. The Applicant – Anand Kale is ready to abide any conditions that may be imposed by this Court.

3. Learned counsel further submits that, in the case of Amrut Ithape, he has one case registered against him under the NDPS Act. It is almost settled that merely because there were some criminal antecedents, the Applicant can

not be denied liberty particularly when the prosecution has grossly failed to show the role of the present Applicant. In the present crime, the Applicant is arraigned as an accused only on the basis of the statement of the arrested co-accused and some prior transactions shown with the arrested accused persons i.e. Ankush, Arvind and Balaji. The alleged transactions relied upon by the prosecution is from 01/09/2024 and 01/08/2025 i.e. prior to the arrest of the main accused Ankush Bangar by conducting raid during the transportation of the alleged contraband. The Applicant is having one criminal antecedent, however, the same thus would not be sufficient enough to deny the bail.

4. Learned counsel further submits that the co-accused Dayanand against whom there are identical allegations of transactions with the main accused is released on regular bail vide order dated 05/02/2026 passed in B.A. No. 3671 of 2025. The Applicant - Amrut Ithape is also ready to abide any conditions that may be imposed by this Court. Hence, both the Applicants - Anand Kale and Amrut Ithape are thus entitled for the release also applying the principles of parity. Hence, the present Applications may be allowed.

5. As against this, Ms. Takalkar, learned A.P.P. in ABA No. 335 of 2026 and Mr. Shalgaonkar, learned A.P.P. in ABA No. 336 of 2026 have strongly opposed the present Applications and submits that the Applicant is not only arraigned as an accused on the basis of the statement of the arrested accused persons,

however there is additional evidence in the form of bank statement transactions to show the connection of the present Applicants in the said crime. There are huge transactions of around Rs.48,00,000/- in the case of Amrut and Rs.15,00,000/- in the case of Anand to establish their connection with the main accused persons over the period for purchase of contraband ganja. Amrut has criminal antecedents, including one case registered against him under the NDPS Act and another under the IPC. If the Applicant Amrut is released on bail, there is every likelihood that he may commit another identical offence under the NDPS Act. The Applicants may tamper with the evidence and thereby cause prejudice to the prosecution's case. The contraband seized is huge i.e. 692 kg.. The alleged contraband was brought at the behest of accused Nos.1, 2 & 3 with an intention to distribute the same to the present Applicants, who were already found to be in connection with the other arrested accused Aknush, Arvind, Balaji and Krushna. The said transactions between Applicants and arrested accused are in respect of purchase of contraband ganja earlier in the year by the Applicants from the arrested accused persons. Thus, this is not a fit case to release the Applicants on regular bail.

6. I have gone through the investigation papers, which is now culminated into filing of the charge-sheet against the arrested accused persons. This Court vide order dated 05/02/2026 had released the co-accused Dayanand

by order passed in B.A. No. 3671 of 2025 against whom there were identical allegations of transactions made with arrested accused. Apart from the evidence of transactions of the bank statements shown with the other arrested main accused, there is no other material to show direct involvement of the present Applicants in the present crime being F.I.R. No. 0262 of 2025. The Applicants-accused were not even alleged to be present on the spot, while raid was conducted. Only accused Ankush Bangar was arrested from the spot leading to the various arrests made in the crime. The perusal of the record further shows that the Applicants were arraigned only after the remand papers were submitted while seeking further extension of the custody of the arrested accused persons. Thus, taking into consideration the fact that the Applicants are arrested since 26/08/2025 and 29/08/2025, the further incarceration of the Applicants would amount to a pre-trial detention. Taking into consideration the nature of allegations, a reasonable finding can be arrived at that the Applicants are not *prima facie* guilty under the offence of NDPS Act. Merely, because there are earlier offence under the NDPS Act against accused Amrut, the same itself would not preclude this Court from recording a finding that the Applicant may not indulge into an identical offence. Thus, the twin conditions laid under Section 37 of the NDPS Act stands satisfied. The apprehension of the learned A.P.P. can be taken care of by imposing stringent conditions upon the Applicants. Hence, I am inclined

to release the Applicants on regular bail. Hence, the following Order :-

ORDER

- (i) Both the Bail Applications are allowed.
- (ii) Applicant - Amrut Mahadev Ithape and Applicant - Anand Vilas Kale, be released on bail on furnishing PR. Bond of Rs. 50,000/- (Rupees Fifty Thousand only) each, with one or two solvent sureties in the like amount, in connection with F.I.R. No. 0262 of 2025, dated 22/08/2025, 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, on the following conditions :-
 - (A) The Applicants 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 Applicants shall also co-operate with the investigation.
 - (C) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (D) The Applicants shall submit copy of their Aadhar Card and Pan Card to the Investigating Officer along with

mobile numbers and addresses of two of their near relatives.

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

7. Both the Applications stand disposed of in the aforesaid terms.

[MEHROZ K. PATHAN, J.]