

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

CRIMINAL BAIL APPLICATION NO. 385 OF 2026

SAMIR GAFUR TAMBOLI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Jadhawar Subhash Shankarrao

APP for Respondents/State : Mr. Nitin B. Patil

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 12th JUNE 2026

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. The Applicant has approached this Court, seeking regular bail in connection with Crime No.362/2025 registered with Kurduwadi Police Station, District Solapur Rural for the offences punishable under Sections 8(c), 20(b), 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 Act, 1985.
3. The case of the prosecution is that the police authorities, upon receiving secret information, conducted a raid and found five gunny bags containing 69.5 kilograms of ganja from Ajinath @ Maharaj. Upon custodial interrogation of the said arrested co-accused, he revealed the names of the present Applicant and another

co-accused/Rohit, as the persons who had handed over the contraband to him.

4. The learned Counsel for the Applicant submits that the Applicant is falsely implicated in the present crime only on the basis of statement of co-accused which is not admissible in view of the judgment of the Hon'ble Supreme Court in the case of **Toofan Singh Vs. State of Tamil Nadu**, reported in (2021) 4 SCC 1. He further relies upon the judgment of the Single Bench of this Court in Ravi Manoj Rai vs. Union of India and Anr., dated 11.02.2025, passed in Bail Application No. 3846/2024, to buttress his submission that the statement of a co-accused alone would not constitute sufficient evidence to justify the prolonged incarceration of the Applicant. The statement of another co-accused, Rohit, clearly shows that Rohit obtained the price amount of Rs. 6,00,000/- from the arrested accused Ajinath for handing over the contraband. The Applicant has one criminal antecedent under the NDPS Act, however, even in that case, the Applicant was never found in conscious possession of the contraband. In that matter also, the Applicant was added as an accused only on the basis of the statement of co-accused Abdul Yusuf Bagwan. The Applicant has been behind bars since 09.09.2025, the investigation is almost complete, and the charge-sheet has been filed. There are several witnesses yet to be examined by the prosecution, and there is no likelihood that the trial will conclude in the near future. The further incarceration of the Applicant would amount to pre-trial detention. Hence the Applicant may be released on bail.

5. As against this, the learned APP strongly opposes the application on the ground that the Applicant is directly named in the statement of co-accused Ajinath, who was arrested on the spot along with a huge contraband weighing 61 kilograms, which is more than the commercial quantity. The statement of co-accused Ajinath clearly shows that the Applicant, along with another co-accused Rohit, handed over the contraband to him. There are call detail records between the Applicant and Rohit, who had travelled to Orissa for obtaining the contraband ganja. The CDRs of the Applicant and the arrested accused Ajinath are also on record. The Applicant is not added merely on the basis of the statement of a co-accused, however there is sufficient additional material to corroborate the co-accused's statement in the form of CDR reports. The Applicant is involved in earlier crime under the NDPS Act, and there is every likelihood that if released on bail, he may again indulge in identical offences. Hence the learned APP prays for rejection of the application.

6. I have gone through the investigation papers, which have now culminated in the filing of the charge-sheet. The charge-sheet contains the statements of the arrested co-accused Ajinath @ Maharaj as well as another co-accused/Rohit. A perusal of Rohit's statement shows that the contraband found in possession of Ajinath was delivered to him by Rohit, and accused Rohit had taken Rs. 6,00,000/- from Ajinath as consideration for handing over the same. Although the CDRs are on record, they by themselves would not be sufficient to deny liberty to the Applicant, who is behind bars since

September 2025. The Applicant is added as an accused solely on the basis of the statement of a co-accused, which is not admissible in view of the judgment of the Hon'ble Supreme Court in Toofan Singh vs. State of Tamil Nadu (supra), wherein the Court clearly held that the statement of a co-accused would not be sufficient to convict an accused under the NDPS Act.

. Taking into consideration that the Applicant is behind bars since September 2025, and that he is added as an accused only on the basis of the statement of the co-accused, a reasonable finding can be recorded that the Applicant may not be guilty for the offences for which he is implicated. The Applicant was not found in conscious possession of the contraband. Hence, a finding can also be recorded that the Applicant is not likely to again indulge in identical offences, as the earlier offence was also recorded solely on the basis of the statement of a co-accused against the present Applicant. The twin conditions laid down under Section 37 of the NDPS Act stand satisfied. I am, therefore, inclined to release the Applicant on regular bail, subject to certain conditions. The apprehension of the learned APP can be taken care of by imposing certain conditions upon the Applicant. Hence the following order :

ORDER

- (i) The Applicant- Samir Gafur Tamboli in connection with Crime No.362/2025 registered with Kurduwadi Police Station, District Solapur for the offences punishable under Sections 8(c), 20(b), 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 Act, 1985, be released on bail on furnishing P.R. bond of Rs.50,000/-

(Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(a) The Applicant shall attend Kurduwadi Police Station, District Solapur Rural on every Friday, Saturday and Sunday between 11:00 am. to 01:00 pm. till framing of the charge by the learned trial Court.

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

(c) The Applicant shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.

(d) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses of the residence and phone numbers of himself and two of the near relatives.

(e) A single violation of the conditions, would entitle the prosecution to seek cancellation of bail.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE