IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1010 OF 2026

Praful Naresh Dhodi …Applicant

Versus

The State of Maharashtra …Respondent

Adv. Rajesh Vishnu Adrekar, for the Applicant.

Mr. Arfan Sait, A.P. P., for the Respondent – State.

API Bhagwat Chaudhari, Boisar Police Station, Palghar, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 1ST OCTOBER 2026

P.C:-

1. Heard learned counsel for the applicant as well as learned APP for the respondent-State

2. The applicant has filed the instant application under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, **"BNSS"**) seeking pre-arrest bail in Crime No. 286 of 2025 dated 01.07.2025 registered with Boisar Police Station, Dist. Palghar, for the offence punishable under Sections 8(c) and 20(b)(ii) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, **"NDPS"**).

3. The FIR is registered on the basis of a raid conducted by the police officer on 30.06.2025 at 21:40 hrs. on the room of

Panchu Kujar, which led to recovery of 12.780 kg. of *ganja*, which was allegedly stored for the purpose of sale in the market. During the subsequent investigation, following the statements of various co-accused, the chain of supply was traced, and the name of the present applicant was revealed as a supplier, who has allegedly stored the said *ganja* in the room of Panchu Kujar. FIR is registered against Panchu Kunjar, however, apprehending arrest in connection with the present offence, the applicant has filed the application for anticipatory bail.

4. The learned counsel for the applicant submits that the allegations against the applicant are entirely baseless and that he is not named in the FIR. He further submits that the applicant has been falsely implicated in the offence solely on the basis of the statements made by the co-accused. He states that the applicant was neither present at the location when the raid was conducted, nor has any recovery been made from him. He also submitted that rigours of Section 37 of the NDPS Act are not attracted in the present case. He submits that the main accused i.e. Panchu Kujar is granted regular bail from the Sessions Court.

He also submits that as a matter of fact, on 30.06.2025, the applicant received a call from an unknown number inquiring about a painting job at the JSW Steel office, and in response thereto upon reaching the specified location, he was nabbed by approximately six police personnel and taken to his residence. The police then conducted an illegal search of his house in the presence of the co-accused, during which nothing incriminating was recovered. He submits that this entire incident has not been recorded in the FIR and this shows that he is falsely implicated.

5. In support of his contentions, the learned counsel for the applicant relies upon the judgment of the Nagpur Bench of this Hon'ble Court in ***Tanmay Akhilesh Trivedi vs. State of Maharashtra*** in ***ABA No. 639 of 2025***, wherein it was held that an accused cannot be implicated merely on the confessional statement of a co-accused and in such case the Anticipatory Bail Application was granted. He therefore prays that the present Anticipatory Bail Application be allowed.

6. Per contra, learned APP for the respondent-State opposes the application and submits that the offence registered against the present applicant is serious in nature and, therefore, the

present application deserves to be rejected. He submits that the role of this applicant has been specifically stated in the FIR as the supplier of the contraband who had kept the contraband in the room of Panchu Kujar. He further submits that the rigours of Section 37 of the NDPS Act are strictly attracted in the present case, as per the Panchnama. He highlights that the co-accused Panchu Kujar has expressly named this applicant as the supplier of the narcotic substance and further the Call Data Records establish that the applicant was in continuous touch with the co-accused until 30.06.2026. He also points out that the applicant has a history of prior criminal antecedents.

By placing reliance on the judgment of the Hon'ble Supreme Court in ***State of Haryana vs. Samarth Kumar*** reported at ***2022 SCC OnLine SC 2087***, learned APP submitted that granting anticipatory bail solely on the ground that no recovery was effected from the applicant and that he was implicated only on the basis of a co-accused's statement would be wrong approach in an NDPS case. He submitted that the statement of co-accused is corroborated with CDR Reports showing the fact that this applicant was in continuous contact with co-accused till 30.06.2026 and therefore, reliance on

Judgment of Tanmay Trivedi (cited supra) is misplaced. He contended that the custodial interrogation of the applicant is absolutely necessary to complete the chain of investigation to disclose the entire supply network, and apprehend the mastermind behind the illegal trade.

7. Perused the FIR and the documents placed on record. It is pertinent to note that the applicant has been attributed with a particular role in FIR and it is revealed during investigation that he is supplier. The co-accused has specifically named the applicant as the supplier of the narcotic substance. Furthermore, the Call Data Records (CDR) establish that the applicant was in continuous touch with the co-accused until 30.06.2026. Further, there are criminal antecedents against the applicant.

8. It is crucial to note that the statement of co-accused is corroborated with CDR. As such, the prosecution case is not entirely based on statement of co-accused. Thus, there is *prima facie* material to show applicant's involvement in the crime. It has to be noted that the offence under NDPS Act is a serious offence and the discretionary powers under Section 482 of BNSS needs to be exercised with caution. In the light of position of law as dealt with by the Hon'ble Supreme Court in State of

Harayana Vs. Samarth Kumar (referred supra) and considering the fact that there is corroboration to the statement of the co-accused, I do not find this to be a fit case for grant of anticipatory bail. In view of the above mentioned aspects, the applicant cannot seek any advantage from the order of coordinate bench in Tanmay Trivedi (cited supra), in which bail was granted in the facts of that case.

9. Having regard to the material on record the custodial interrogation of the applicant is warranted to complete the chain of investigation and unearth the supply network. Thus, I am of the considered opinion that the exercise of judicial discretion under Section 482 of the BNSS is not warranted in the present matter. Accordingly, the present Anticipatory Bail Application deserves to be rejected.

10. In view of the above, the instant Anticipatory Bail Application is rejected.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-