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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2199 OF2026

Vaibhav Sanjay Bhadane ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Taraq Sayed a/w Adv. Ashwini Achari & Adv. Aryan Kotwal, for the Applicant.
Ms. Veera Shinde, APP for the Respondent-State.
API – Dr. Deepak Hinde & API – Siddhe Dadasaheb, Malvani Police Station, Mumbai, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 8th OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. Present application seeking release of the applicant (Accused No.6) on bail in NDPS Special Case No.350 of 2026 pending before the Court of Special Judge, City Civil and Sessions Court, Gr. Bombay, which is arising out of Cr.No.1069 of 2025, registered with Malvani Police Station, Mumbai for the offence punishable under Sections 8(c), 20(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act"), Sections 3 and 25 of the Arms Act, 1959 and Sections 37(1)(a) & 135 of the Maharashtra Police Act,1951, on the reported filed by informant Mr. Swapnil Kate, PHC.

3. The prosecution case is that, on 25th August 2025, at about 16.44 hours, at Maidan near Gavdevi Mandir, Marve Road, Gate No.06, Malvan, Malad West, Mumbai-95, one person namely Wasif Hussan Ashiq Hussain Khan (A1) found with 1.06 kg Ganja. Accordingly, the aforesaid offence came to be registered. During

custodial interrogation, A1 revealed that Santosh More (A2) was supplying him the Ganja. Therefore, A2 was arrested on 29th August 2025. A2 disclosed that he used to procure the Ganja from A3 to A6, who were available in the vicinity of Madh, Malvani area, Mumbai.

3.1 It is alleged that, on 30th August, 2025, Dr. Dipak Hinde, PSI, received a secret information from a special trustworthy informant that A3 to A6 wanted in this crime were selling *Ganja*. The said information was recorded and, with the direction of the superior officer, a raiding team was constituted. Further, said raiding team headed by Dr. Hinde went to search the A3 to A6. During said search, the team found them at Dharwali village, Madh, Marve Road, Malvani, Malad West, Mumbai along with two vehicles, i.e., Maruti Suzuki Car bearing No.MH-47-N-2898 and Mahindra TVU Car bearing No.MH-01-CD-3561. Police intercepted the cars. Said four persons were taken in charge and two panchas were called there. The panchas were informed that these accused had come there to sell Gnaja. Thereafter, the four accused gave their name. Further, they were served with the notice u/S. 50 (1) of the NDPS Act. After recording their response to that notice, Dr. Hinde proceeded to search the cars. 10 gunny bags containing Ganja were found in the dickey of Car No.2898. The total quantity of Ganja was 203 kg. The Ganja was seized. No such Ganja was found in Car No.3561. During personal search of A3, a firearm was found in his possession. It was seized. Accordingly, the panchanama was recorded A3 to A6 came to be arrested. On completion of investigation, police submitted the charge-sheet. The trial Court refused to release the applicant on bail. Hence, this application.

4. Mr. Sayed, learned counsel for the applicant submitted that, there is no material showing that the applicant was present in either

of the cars or in Car No.2898, in which the *Ganja* was allegedly found. Therefore, the applicant cannot be blamed for joint and conscious possession of that *Ganja*. Except CDR, showing telephonic contact between A3 and the applicant, there is no evidence, indicating that, the applicant was involved in this case. Therefore, the applicant may be released on bail.

5. In reply, Mr. Shinde, learned APP submitted that at the relevant time, A3 to A6 were found present at the spot along with huge quantity of the Ganja in the possession of A4 and A5 in Car No.2898. The said seizure of the Ganja was the result of the information provided by A2 and the secret informer. The CDRs of the mobile phones of the accused persons including the applicant corroborated the fact of seizure of the commercial quantity of the Ganja from the possession of A3 to A6. She submitted that the applicant has not offered any explanation for his presence at the spot nor he has pointed that he is not guilty of the said offence. As such, the applicant is not entitled for bail.

6. I have considered these submissions. Record indicate that, mainly, A3 to A6 were apprehended pursuant to the secret information received by Mr.Hinde on 30th August. However, that information does not mentions the names of these accused, the place where they were allegedly selling the Ganja and the time. It is contended that two accused were present in Car No.2898 and two persons were present in Car No.3561. However, this fact is not recorded in the spot panchnama. The panchanama is silent about the fact that A4 and A5 were present in Car No.2898 and the A3 and the applicant were present in Car No. 3561. Therefore and in the absence of any other corroborating material, mere presence of the applicant at the spot and the CDR indicating telephonic contact

between the A3, in my opinion, is not sufficient to *prima facie* conclude that the applicant was found in the possession of the seized Ganja and he has committed the present offence. The Court is not informed that there are antecedents which render it likely that the applicant would commit identical offences, if released on bail. Thus, the applicant has satisfied the twin conditions stated in Section 37 of the NDPS Act.

7. In view of the above discussion, the applicant is entitled for bail. Hence, following Order:-

(i) Applicant – Vaibhav Sanjay Bhadane shall be released on bail in connection with NDPS Special Case No.350 of 2026 arising out of Cr.No.1069 of 2025, registered with Malvani Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Malvani Police Station, Mumbai, on 1st day of every month, between 11:00 a.m. to 2:00 p.m., till the conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The applicant shall not tamper with the prosecution evidence and shall not influence upon the prosecution witness to prevent them from deposing against him.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to Investigation Officer and, keep him updated, if there is any change.

(vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) Any observation made in the present Order are for the purpose of deciding the present Bail application and should not influence the outcome of the trial.

8. Application stands disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)