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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3141 OF 2026

Ganesh @ Snehal Shivsamb Bache .. Applicant
Versus
The State of Maharashtra .. Respondent

.....

- Ms. Ashwini B. Jadhav, Advocate for Applicant
- Mr. Amit A. Palkar, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 18, 2026

P. C.:

1. Heard Ms. Jadhav, learned Advocate for Applicant and Mr. Palkar, learned APP for State.

2. By this Bail Application, Applicant - accused No. 2 is seeking enlargement on bail in Crime No. 916 of 2025 registered with Hadapsar Police Station, Pune City for the offences punishable under Sections 8(c), 20(b)(ii)(a), 22(c) and 29 of the Narcotic Drug and Psychotropic Substances Act, 1985 (for short "NDPS Act").

3. Applicant before me is arraigned as accused No. 2 and indicted in the crime under the NDPS Act. Case of the prosecution is that Applicant was a pillion rider along with accused No. 1 Megha and both of them were apprehended. According to the prosecution, the alleged contraband substance namely MD and Ganja was recovered from accused No. 1 Megha only. Since the Applicant was pillion rider on

Megha's scooter, he was also apprehended and his phone was confiscated. Certain conversations in his phone on whatsapp along with accused No. 2, copy of which is appended at page Nos 282 onwards, is relied upon by the prosecution to indict the Applicant in the present crime.

4. Learned APP referred to the provisions of Section 35 of NDPS Act to the extent of showing that Applicant has also complicity in the present crime. However when Section 35 is read it *prima facie* states that defence would be available to the Applicant to show that the presumption which is drawn by the prosecution can be rebutted. In the present case, insofar as the indictment of the Applicant is concerned, there is no nexus whatsoever which is *prima facie* shown by the prosecution to the extent of the Applicant being complicit in the trafficking of the contraband substance which is recovered from accused No. 1.

5. Statement of accused No. 1 has been recorded separately which *prima facie* states that she procured the said contraband from accused No. 3 – Salman Inamdar. Insofar as the role of accused No. 2 is concerned, the statement of accused No. 1 is silent. Reliance on the whatsapp conversation and chart appended at page No 85 does not throw any alight whatsoever with regard to the contraband which has been seized from accused No. 1 in the present case.

6. Arguable case is made out by learned Advocate for Applicant for grant of bail to the Applicant.

7. Learned Advocate for Applicant also refers to and relies upon the decision of this Court in the case of ***Chandrabhan Janardhan Yadav v. State of Maharashtra***[1] to the extent of relevancy of linking of various accused in the crime and more specifically so for the purpose of consideration. Perused the said decision which gives extensive directions for the purpose of conducting investigation when multiple accused are involved in a NDPS crime. Role of the Applicant is nothing more than the said Applicant being the friend of accused No. 1 and therefore, Applicant is required to be released on bail.

8. In view of the above the following order is passed:-

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 916 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Hadapsar Police Station, Pune City, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

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(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

9. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

10. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.08.18 20:30:54 +0530