HEMANT CHANDERSEN SHIV

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Date: 2026.10.16 13:12:00 +0300

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3632 OF 2026

Soham Sangam Patil ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Ayaz Khan with Mr. Shubham Mhatre for the Applicant.
Ms. S. K. Gajare, APP for the Respondent-State.
Mr. Mahendra Bagwe, PSI, Mahim police station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 13th OCTOBER 2026

P.C. :-

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

2. Present Application seeks release of the Applicant on bail in connection with Cr. No.110 of 2026, registered with Mahim police station, Mumbai for the offence punishable under Sections 8(c), 20(b), 22(c), and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act"), on the report dated 26th February 2026, filed against the applicant by the informant.

3. The prosecution case is that, on 25th February 2026, at about 18 : 50 hours, while police team of DCB CID Unit-XII including the informant patrolling, they found that accused Nos.1 and 2 were present near Sitladevi Temple and, their conduct was suspicious. They tried to flee away after seeing the police. Therefore, A1 and A2 were accosted and, their personal search was conducted in the presence of the panchas. A1 was found in possession of 70 gms LSD and A2 was found in possession of 14 gms of *Ganja*. The said contraband was seized and both the accused were arrested. A1 and A2 stated that they had purchased that contraband from the

applicant. Therefore, the aforesaid crime came to be registered. A1, A2 and the applicant came to be arrested. Investigation led to filing of charge-sheet. Trial Court declined the applicant prayer for bail.

4. Mr.Khan submitted that, except statements of A1 and A2, there is no material showing involvement of the applicant in this crime. He submitted that although the CDRs indicate that there was telephonic contact between the applicant and absconding accused, they were not in close proximity of the present crime. In short, according to him, there is no *prima facie* case against the applicant of having committed this offence.

5. Ms.Gajare, learned APP, on instructions from Mr.Bagwe, that the applicant had delivered the LSD to A1 on the instructions of wanted accused Arya Pawar. The relevant CDRs establishes the contact between the applicant and A1 on the date of the delivery. Thus, the applicant participated in the delivery of the alleged contraband which made out the prima facie case against him. Therefore, rigours of u/S.37 NDPS is applicable and applicant is not entitled for bail.

6. Considering the material on record, the prosecution has attributed a limited role of middle-man to the present applicant. However, said allegation is solely based on the statement of the A1 and the applicant recorded u/S.67 and the CDRs. However, how many times the applicant and other co-accused had contacted amongs themselves, it not clarified by the Respondent. There is no material showing that the applicant was aware that the parcel to be delivered by the him was containing the alleged contraband. Therefore, in my view, the material relied upon by the prosecution is not sufficient to conclude that *prima facie* the applicant is involved in the crime. The applicant has no criminal antecedents.

Thus, the applicant has satisfied the conditions of Section 37 of NDPS. The investigation in the present crime is over. The trial will take considerable time to conclude.

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

(i) The applicant – Soham Sangam Patil be released on bail in aforesaid FIR registered with Mahim police station, Mumbai, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Mahim police station, Mumbai on 1st day of a month between 11:00 a.m. to 2:00 p.m. till 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 directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

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

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

(vii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial and also not be taken as an expression of opinion on the merits of the case.

8. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)