Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3731 OF 2026

Atul Shankar Balgude .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Chaitanya Mulawkar a/w. Mr. Nilesh Wagmode, Advocate for Applicant.
- Mr. Yogesh M. Nakhwa, APP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 05, 2026.

P.C.:

1. Heard Mr. Mulawkar, learned Advocate for Applicant and Mr. Nakhwa, learned APP for Respondent – State.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.184 of 2026 registered with Hinjewadi Police Station for offences punishable under Sections 8(c), 22(b), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "**NDPS Act**").

3. In the present case, Applicant claims to be an agriculturist. He has been apprehended with the alleged contraband. However, when he was apprehended, Section 50(1) notice notice was not issued to him for the purpose of search. First Information Report (FIR) on page No.23 *prima facie* states that when the police apprehended him

and informed him about their identity, he himself on deeper investigation, confessed to be carrying the alleged contraband. It is only thereafter that the Section 50(1) notice has been issued to him, which is *prima facie* evident from page 23.

4. Applicant is farmer and details and credentials of his family members possessing agricultural land is produced before the Court. Considering the age of Applicant and he being apprehended with intermediate quantity of contraband and rigors of Section 37 of the NDPS Act not being applicable and he having no antecedents, considering the age of Applicant, I am inclined to accept the case of Applicant for grant of bail.

5. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – Atul Shankar Balgude is directed to be immediately released from prison in connection with CR. No.184 of 2026;

(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 or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

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

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

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid

conditions shall entail cancellation of the bail granted to the Applicant.

6. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

7. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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Date: 2026.10.05 14:55:26 +0530