IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3763 OF 2026

Sumer Jairamji Bishnoi .Applicant

Vs.

The State of Maharashtra .Respondent

ANAND SUDHAKAR SUDAME
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Date: 2026.10.07 20:49:19 +0530

Mr. Ali Kaashif Khan Deshmukh a/w. Ms. Snigdha Khandelwal, Mr. Abrar Burondkar & Mr. Mohammad Farid, Advocates, for the Applicant
Ms. Anuja S. Gotad, APP, for the Respondent – State

CORAM : MILIND N. JADHAV, J.

DATE : 07.10.2026

P. C.

1. Heard Mr. Deshmukh, learned Counsel for the Applicant and Ms. Gotad, learned APP for the Respondent – State.

2. This Application is filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**") in connection with C.R.No. 841 of 2023 registered with Kondhwa Police Station, Pune for offences punishable under Sections 8(c), 17(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "**NDPS**").

3. The Applicant is indicted in an NDPS offence for having been apprehended with the alleged contraband 2.7 Kg of Opium. The principle submission advanced by Mr. Deshmukh is on the basis that

the C. R. /FIR No. mentioned on the sealed envelope during the seizure panchanama is the same as being recorded subsequently which *prima facie* raises a serious doubt. There is also discrepancy with regard to the time of arrest of the Applicant. However, the reason which impels me to consider the present Application for bail is the prolonged incarceration of the Applicant for the past more than three years and two months pending trial.

4. Ms. Gotad, learned Prosecutor would however argue that the charge has been framed and therefore, the trial is imminent. However, the possibility of the trial being commencing or for that matter concluding in the near foreseeable future being bleak, I am inclined to consider the case of the Applicant for grant of bail. Though the rigors of Section 37 would otherwise apply in the present case, however, the same could not preclude the Court from considering the long incarceration of the Applicant. The other two co-accused persons have already been enlarged on bail by this Court vide order dated 25.08.2026 and the trial Court vide order dated 07.03.2024. In view of the above, the Applicant has made out a case for grant of bail.

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

(i) Applicant – **Sumer Jairamji Bishnoi** is directed to be immediately released from prison in connection with CR. No. 841 of 2023;

(ii) Applicant is directed to be released on bail on furnishing P. R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Kondhwa Police Station, Pune, 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 co-operate 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 herein above in this order.

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

(MILIND N. JADHAV, J.)