

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2929 OF 2024

Mangesh Kharat ...Applicant
versus
Union Of India and anr. ...Respondents

Ms. Munira Palanpurwala along with Ms. Sumaiya Khan and Ms. Deepa A. Mati, Advocate for Applicant.

Ms. Manish Jagtap, Advocate for Respondent No.1-Union of India.

Ms. Ranjana D. Humane, APP for Respondent No.2-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 33 of 2022 registered with NCB-Mumbai, for the offences punishable under Section 8(c) read with 20(b)(ii)(c), 25, 27-A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is prosecution's case that on 1st September 2022, the applicant's car was intercepted by the police at 18.30 hours i.e. 6.30 pm and in search of the said car, the NCB found 210 kilograms of Ganja, which was packed in two packets.

3. It is contention of learned counsel for the applicant that no authorisation was taken before conducting the search of the car of the applicant as raid was conducted after sunset and before sunrise. Learned

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counsel for the applicant submitted that applicant is behind bars for around three years and six months, yet trial is concluded and requested to allow the application.

4. It is contention of learned APP that huge quantity of Ganja was found in the applicant's car. All procedure was followed by the NCB. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses and requested to reject the application.

5. I have heard all learned counsel, perused charge-sheet and documents produced on record.

6. The panchanama dated 1st September 2022 shows that Mr. Ashok Kumar, Intelligence Officer, received information at 10.00 am that the applicant is transporting Ganja between 6.00 pm to 7.00 pm. The time 6.00 pm to 7.00 pm is after sunset but in spite of that no search warrant as provided under Section 42 of the NDPS was taken by the NCB. It shows violation of Section 42 of the NDPS. The applicant is behind bars for around three years and six months, yet trial is concluded. Considering these facts, I pass following order :

ORDER

- (i) The applicant be enlarged on bail in Crime No. 33 of 2022 registered with NCB-Mumbai, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

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- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)