

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2952 OF 2024

Ashok Shivpujan Sharma ...Applicant

Versus

The State Of Maharashtra ...Respondent

Mr. Advait Tamhankar *i/b Kamlesh Satre, for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the State-Respondent.*

PSI – N. B. Chavan, *ANC Azad Maidan Unit, is present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 10th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 189 of 2022 dated 11th December 2022 registered with the Anti Narcotics Cell, Azad Maidan Unit, Mumbai for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. There are in all nine accused. The Applicant is Accused No.6. He is impleaded in the present offence almost one year after the principal accused was arrested.

3. The facts of the case, in brief, as discerned from the FIR are that on 10th December, 2022 at about 22:30 hours, while on patrolling duty, the police came across Accused Nos.1 to 3 acting in a suspicious circumstances in front of Kamaluddin Restaurant, Rambhau Bhogle, Naralwadi, Mazgaon, Mumbai. They were found to have exchanging and transferring Khaki corrugated boxes from Piaggio Appe make three wheeler Transport Tempo. When the patrolling party intercepted all three, they gave evasive answers and unsatisfactory replies. The police were only told that the boxes which were being transferred contained cough syrup bottles. The police finding the entire action suspicious took a search of said boxes after complying with the necessary provisions of the NDPS Act. When the boxes were opened, 3840 bottles of cough syrup containing Codeine Phosphate were found. Upon interrogation of the Accused No.2, it was learnt that 42 boxes were received by the courier and Accused No.3 had transported the same in his vehicle and delivered 10 boxes to Accused Nos.4 and 5 herein. From the statements of the co-

accused police realized involvement of Vikas Acchelal Singh i.e. Accused No.7 and informed him about the requirement of drug licence and the GST number for manufacture of medicines. Accused No.7 offered to provide the drug licence and GST number. It is the present Applicant who was approached for procuring drug licence and GST number. Admittedly, the Applicant was conduit and a broker, only introducing co-accused to several persons. No role is attributed to the present Applicant, yet he was arrested on 29th November, 2023.

4. The Appellant made an application seeking bail before the NDPS Special Judge & Addl. Sessions Judge, City Civil & Sessions Court, Gr. Bombay, however, by order dated 23rd February 2024, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

5. Mr. Advait Tamhankar, learned counsel for the Applicant, submits that initially a police had made the present

Applicant as a witness for the reasons mentioned in charge-sheet, his status was thereafter converted to that of an accused. According to him, there is no role played by the Applicant in the alleged drug activity save and except that he was approached to procure the GST number under the drug licence. It is only on the statement of the co-accused, the present Applicant was arrested. Nothing was recovered from him and he has no criminal antecedents. Thus, Mr. Tamhankar prays that the Applicant be enlarged on bail.

6. Ms. Poonam Bhosale, learned APP, submits that the though the offence is serious, nothing has been recovered from the present Applicant. She pointed out some cash transactions between the Applicant and the co-accused. However, the same pertain to the period between 2019 to 2022. She thus prays that the Bail Application be rejected.

7. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

8. At the very outset, Mr. Tamhankar has tendered an order dated 15th December 2025 passed by this Court, enlarging Accused No.7, namely Vikas Acchelal Singh, on bail. The Applicant stands on a better footing than the said Accused No.7, inasmuch as it was the present Applicant who was approached to provide the GST number as well as drug licence. A perusal of the FIR and panchanama indicates that no role was played by the present Applicant in the said offence and only on the statement made by the co-accused, he was arrested. Although, the Applicant was treated as a witness and thereafter converted into an accused. Mr. Tamhankar has also drawn my attention to the statement of A-7, where he has clearly stated that the present Applicant, Accused No.6, had informed the police regarding the illegal activities of the co-accused.

9. In these circumstances, I am of the view that there are no reasons to believe, at this stage, that the Applicant has committed the said offence as alleged. The Applicant has no

criminal antecedents. Accordingly, the rigors of Section 37 of the NDPS Act stand satisfied.

10. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.

iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

iv) The Applicant shall not leave India, without permission of the trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

11. Application is allowed in the above terms and is accordingly disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)