

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4323 OF 2024**

Himanshu Subhash Shrimali

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Kamlesh Satre a/w Mr Vikas Chavan, *for the Applicant.*
Ms. Poonam Bhosale, *APP, for the Respondent No. 1 – State.*
Mr. Jagdish Gite – PSI, *Nizampura Police Station, Bhiwandi,*
Thane City.

CORAM DR. NEELA GOKHALE, J.
DATED: 10TH FEBRUARY 2026

PC:-

1. By the present Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 293 of 2022 registered with the Nizampura Police Station, for the offences punishable under Sections 328, 353, 273, 276 r/w Section 34 of Indian Penal Code (for short 'IPC'), Sections 18(A), 18(a) (4), 18(c), 27(b)(ii), 27(d) and Sections 8(C) 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') along with Sections 4 and 25 of the

Arms Act, 1959 and Sections 37(i) and 135 of the Maharashtra Police Act, 1951.

2. The case of the prosecution, in brief, is that while the police were on patrolling duty they found two persons lurking in suspicious circumstances waiting for a certain vehicle. There were some bags in their possession. On being intercepted, one of the two persons herein, took out a knife from his waist and gestured at the police, threatening them that they will be killed if they proceeded further. He made a hue and cry, people in the street started to run away. The police squad was able to pacify and apprehend the two accused. Upon their personal search and after seizing the knife, 108 bottles of Rx Chlorpheniramine Maleate and Codeine Phosphate Syrup 'Maxcoff' 100 ml each and 97 bottles of Rx Chlorpheniramine Maleate and Codeine Phosphate Syrup 'RCX-Care' 100 ml each, were found in the bags. A panchanama was recorded which commenced at 2:30 a.m. on 14th December 2022 and ended at 03:15 a.m. on the

same date. The Food and Drug Inspector was called and her statement was recorded. The statements of other witnesses were also recorded. The incident was recorded in the general diary and accused were arrested on the same date i.e. on 14th December 2022. Accused No. 1 namely, Saddaf @ Chapad Abdul Rehman Ansai, the present Applicant was arrested on 7th April, 2023.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), Thane, however, by order dated 23rd Aug 2024, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Kamlesh Satre, learned counsel for the Applicant submits that there was no recovery made from him; only on the basis of the statement made by the co-accused, the present Applicant is arrested. He further submits that there is no material on record to indicate his complicity in the offence;

hence, Mr. Kamlesh Satre submits that the Applicant be enlarged on bail.

5. Ms. Poonam Bhosale, learned APP, states that there is a Report on record indicating that the present Applicant was in a contractual relationship with the Accused No. 3, who is involved in the transport business and also supplied gunny bags. The present Applicant facilitated the Accused No. 3 in the said business. She further submits that the offence is serious and the Application be rejected.

6. I have heard learned counsel for the respective parties and perused the records were with the assistance.

7. Admittedly, there is no recovery made from the present Applicant and on the basis of the statement made by Accused No. 3, he was arrested. Admittedly, there are no antecedents against the Applicant. Hence, it is probable that he may not repeat the said offence. The Applicant was arrested on 7th April 2023 and till date charges are not framed. It is thus,

unlikely that the trial is likely to be concluded in the foreseeable future.

8. Mr. Kamlesh Satre has also relied upon the orders dated 27th January 2026 and 30th January 2024 enlarging co-accused on bail. The said co-accused were Accused No. 1 and Accused No. 3, who are primarily involved in the commission of the said offence. Hence, in view of the ground of parity, it is a fit case to grant bail.

9. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly 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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned on the first Monday of every month between 11:00 a.m. to 02:00 p.m.;

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

v) The Applicant shall not leave India, without the permission of the Trial Court;

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

vii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;

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

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

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

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

(DR. NEELA GOKHALE, J)