

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4470 OF 2024

Rohit Sudam Gange

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ronak Naik a/w Lochan Chandka, for the Applicant.

Ms. Shilpa K. Gajre-Dhumal, APP for the Respondent - State.

API – Sandip Sawant, Tulinj Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 6th APRIL, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No. 373 of 2024 registered with Tulinj Police Station, for offence punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is the case of the prosecution that on 3rd May 2024, during the patrolling, a person was found in suspicious condition. Upon his search in compliance of the provisions of NDPS Act, a contraband namely Mephedrone came to be seized at his instance. The said Mephedrone said to be of a commercial quantity. During the course of investigation, the samples were sent to Chemical Analyser. The report of Chemical Analyser is positive. On completion of investigation, charge-sheet is filed.

3. Learned counsel for the Applicant submits that the record in the charge-sheet makes the entire case of the prosecution doubtful. In this regard, he drew attention of the Court to the entry taken in the log-book of ANC Unit of the relevant date. It is his submission that if entries taken before commencing the patrolling duty, question of any reference therein of registration of crime would not arise. It is his submission that this is not the case wherein on the basis of any previous information, the Applicant was apprehended and recovery of contraband is done from him. It is his submission that the record therefore creates strong possibility of false implication.

4. Learned APP opposed application citing Section 37 of the Act and according to her in view of the recovery of commercial quantity of contraband after due compliance of Section 50 of the Act, this is not a fit case for grant of bail.

5. Perusal of record shows that log-book is maintained by ANC Unit and entries are taken in respect of the patrolling duty whenever such patrolling commences. The documents / log book entry (page No.114) shows that there are other four entries taken by the said unit. All these entries indicate that at the time of beginning of patrolling duty the purpose of journey is mentioned as "left for patrolling work". If it was mentioned left for patrolling work and subsequent thereto there is reference with regard to crime number in the said entry, it may become explainable during trial. However, this Court finds substance in the contention of learned counsel for the Applicant that the entry by itself cannot be explained since there is no reference about the unit having left for

patrolling work and admittedly this is a case of chance recovery with no specific prior information. This therefore does not become explainable during the trial as rightly contended by counsel for Applicant. The Applicant has no criminal history. In such circumstances, there is reason to believe that the Applicant might not be guilty of the offence and if enlarged on bail he would not commit such offence. Hence, following order is passed.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.373 of 2024 registered with the Tulinj Police Station the Applicant be enlarged on bail on furnishing PR Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.
- iv) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.

6. 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.

(R. M. JOSHI, J.)