

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4936 OF 2024**

Samar Sonkar	...Applicant
<i>Versus</i>	
Union of India and Anr.	...Respondents

Mr. Anil Lalla a/w Mr. Rushi and Tanvir Kazi i/by Apporv
Shrivastava, *for the Applicant.*
Ms. Neha Patil, *Spl. PP for the Respondent – Union of India.*
Mr. Mayur S. Sonavane, *APP for the Respondent – State .*

CORAM DR. NEELA GOKHALE, J.
DATED: 05TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 22 of 2023 dated 6th September, 2023 registered with the Narcotics Control Bureau ('NCB'), for the offences punishable under Sections 8(c), 22(c), 23(c), 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS').

2. In all, there are three accused. The Applicant is Accused No.1.

3. The case of the prosecution, in brief, is that specific intelligence was received by the NCB, Mumbai, that two suspicious courier parcels containing Alprazolam tablets 1 Mgs Rlam -1 were lying at Integrated Courier and Logistics Unit No.5, Arvind Chambers, Sai Services Buiding, Near Darpan Cinema Bus Stop, Western Express Highway, Andheri (E), Mumbai. After complying with the mandatory provisions of the NDPS Act, a search was conducted and the contraband was detected in Brooke Bond Taj Mahal Tea packets. The police officials were permitted by the competent authority for a controlled delivery for the intercepted consignment and accordingly, dummy parcels were prepared and dispatched. Investigation revealed that the parcels were booked using fake credentials, SIM cards activated under fake identities at Lucknow. The phone number on one of the consignments was found to be that of Samar Sonkar and in this manner the

Applicant came to be arrested from Lucknow and brought to Mumbai pursuant to registration of the FIR.

4. The Applicant made an application seeking bail before that NDPS Special Judge & Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay, however, by order dated 10th December, 2024, the said application was rejected. Hence, the Applicant has made the present Bail Application for the relief as prayed.

5. Mr. Lalla, learned counsel for the Applicant, submits that the Applicant was illegally detained and arrested from Lucknow. CDR and WhatsApp chats cannot be relied upon at the stage of bail. He further submits that the Applicant is behind the bars for more than 2 years. He prays that on the ground of long incarceration, the Applicant be released on bail.

6. Ms. Neha Patil, learned SPP representing the State, has tendered on record the Affidavit-in-Reply of one Satish

Singh, presently working as Sub-inspector, Narcotics Control Bureau, Mumbai Zonal Unit, Mumbai affirmed on 10th December, 2025, before the Notary Public. The same is taken on record. The said bank statement indicate money trail reflecting transactions from the present Applicant to co-accused Aqeel Ahamd. She submits that the Applicant has procured contraband from said Aqeel Ahamd. He also admitted to be in contact with the co-accused and also admitted relating to his bank transactions. She submits that an independent witnesses also stated the SIM card was having the phone number as it appeared on the consignment to the present Applicant. She submits that in view of the aforesaid, the Applicant is involved in the alleged offence and prays that Bail Application be rejected.

7. I have heard learned counsel for the respective parties and perused the record of the case with their assistance. I have gone through the Affidavit-in-Reply placed

on record. I have also gone through the bank account statement of the present Applicant.

8. Undoubtedly, it appears that the phone number of the SIM card which was given to the present Applicant was on the consignment. The handing over of SIM card was established by the independent witnesses. However, the Applicant is incarcerated for the past more than 2 years without the charges being framed. There are no criminal antecedents against the present Applicant.

9. In a series of judgments, the Supreme Court has observed that long incarceration militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India and as such, conditional liberty overriding the statutory embargo created under Section 37 of the NDPS Act, 1985 may, in such circumstances, be considered. Since the present Applicant has also suffered incarceration of more than two years, I am inclined to enlarge the Applicant on bail.

10. 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 once in a 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.

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 learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)