

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3598 OF 2024

Vijay Voleti ...Applicant
V/s.
Union of India and Anr. ...Respondents.

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Mr. Taraq Sayed a/w. Adv. Anish Pereira, Adv. Ashwinii Achari and
Adv. Aryan Kotwal for the Applicant.
Mrs. Aruna Pai, Spl.P.P. for the Respondent/UOI.
Mr.P.H. Gaikwad, APP for the Respondent/State.
PSI Vicky, IO NCB, MZU is present.

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CORAM : N.R. BORKAR, J.
DATE : 07.01.2026.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in connection with F.No. NCB/MZU/CR-17/2024 registered by the Narcotics Control Bureau, Mumbai Zonal Unit, Mumbai (for short "NCB, Mumbai") for the offences punishable under Sections 8(c) r/w. 22(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act")
3. On 18th July 2024, approximately 5 kgs of Mephedrone was seized from the office of Orange Tours and Travels at Sion (E). In connection to the said seizure, co-accused Shahnawaz Mohammad Shahjada Shaikh was apprehended and his statement under

Section 67 of the NDPS Act was recorded. As per his statement, the involvement of the present applicant and other co-accused was revealed. The applicant is the Managing Director of Vagdevi Innoscience Pvt. Ltd., Hyderabad and is allegedly involved in the supply of contraband. Thereafter, on the very same day, the factory premises of the present applicant was searched, however, no incriminating material was recovered during the search and accordingly, the panchanama was drawn.

4. During the course of investigation, the statement of another co-accused Sudeshan Kurup came to be recorded, wherein he has stated that while he was in judicial custody for another crime, he met co-accused Nadeem Shaikh and informed him that the present applicant supplies Mephedrone for the purpose of sale. Subsequently, upon securing bail, co-accused Nadeem Shaikh along with co-accused Shahnawaj Shaikh, acquired a consignment of 3 kgs of Mephedrone worth Rs.10 Lakhs and later acquired more 5 kgs of Mephedrone worth Rs.15 Lakhs from the present applicant at Hyderabad. After completion of the investigation, the respondent No.1-NCB, Mumbai has filed a complaint case against the present applicant and other co-accused. Subsequent to the filing of the complaint, the applicant came to be arrested in another crime of similar nature.

5. I have heard the learned counsel appearing for the applicant and the learned Special P.P. for the respondent No.1-NCB, Mumbai.

6. Learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that after apprehending co-accused Shahnawaj Shaikh, his statement was recorded. It is submitted that there was no reference of the present applicant in that statement, however, search was carried out at the factory premises of the present applicant and no incriminating material was found. It is submitted that the applicant was interrogated and was allowed to go. Learned counsel for the applicant submits that even after recording the statement of co-accused Sudeshan Kurup, no steps were taken to arrest the present applicant and the respondent No.1-NCB, Mumbai thought it fit to file a complaint case against the present applicant and other co-accused. It is submitted that now there arises no need of custodial interrogation of the applicant just because he came to be arrested in another crime. Learned counsel for the applicant submits that this Court has already protected the applicant from arrest by order dated 31st December 2024.

7. On the other hand, learned Special P.P. for the respondent No.1-NCB, Mumbai submits that the applicant is involved in a serious offence under the provisions of NDPS Act. It is submitted that commercial quantity of 5 Kgs of Mephedrone was found in possession of the co-accused Shahnawaj Shaikh. It is submitted that thus rigors of Section 37 of the NDPS Act would apply in the present case. Learned Special P.P. submits that there is enough incriminating material against the present applicant to connect him with the alleged crime. It is submitted that to unearth the

larger conspiracy, custodial interrogation of the applicant is necessary. It is further submitted that the applicant is involved in one more crime of similar nature. It is submitted that considering overall facts and circumstances, the applicant may not be released on anticipatory bail.

8. Admittedly, after the arrest of co-accused Shahnawaj Shaikh, on the very same day, the factory premises of the present applicant was searched. The search panchanama shows that nothing incriminating was found from the factory premises of the present applicant. The panchanama further shows that the applicant was present at the time of search, however, he was not taken into custody. Even after recording the statement of co-accused Sudeshan Kurup, on 3rd September 2024, only notices were issued to the present applicant and it appears that no efforts were made to arrest the present applicant. The custodial interrogation of the applicant is sought because subsequent to filing of the complaint case, one more crime of similar nature came to be registered against him. In my view that cannot be a ground for seeking custodial interrogation of the present applicant when on completion of investigation, NCB has already filed the complaint case against the applicant. In the peculiar facts and circumstances of the present case, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicant in connection with F.No. NCB/MZU/CR-17/2024 registered by the Narcotics Control Bureau, Mumbai Zonal Unit, Mumbai (for short “NCB, Mumbai”) for the offences punishable under Sections 8(c), 22(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

C) The applicant shall attend the Office of NCB, Mumbai as and when called by the Investigating Officer and shall cooperate in the further investigation, if any.

[N.R.BORKAR, J.]