

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 354 OF 2025**

Ganesh Rajendra Kadam

....Applicant

VERSUS

The Customs Department (Preventive),
Narcotic Cell, Pune and Anr.

.....Respondents

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Mr. Kunal Aher, Advocate for the Applicant.

Mr. Rushikesh Munde, Advocate for Respondent No.1.

Mr. P. P. Jadhav, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th FEBRUARY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in Customs C.R.No. 07 of 2023 registered with Narcotic Cell, Pune Customs Department for the offences punishable under Sections 8(c), 21(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is prosecution's case that on 29.05.2023, on secret information, police apprehended the car of the applicant. In the said car, police found 805 gm Mephedrone. Thereafter, at the instance of the applicant, custom's team took the applicant to Lonavala, where police apprehended the co-accused. In his possession police found 200 gm Mephedrone.

This order is corrected as per speaking to the minutes of order dated 9th February 2026

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3. It is contention of learned counsel for the applicant that the applicant was not produced before the learned Magistrate within 24 hours of the arrest. The applicant is behind bars for more than two years and eight months and requested to allow the application.

4. It is contention of learned APP that the after apprehending the applicant at Khed Shivapur Toll Plaza, police found commercial quantity of Mephedrone in his possession. Thereafter, he was taken to Lonavla and then he was brought to customs office and was produced before the learned Magistrate. Therefore, there is no delay in producing him before the learned Magistrate and requested to reject the application as commercial quantity of Mephedrone found in the possession of the applicant.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. As per the prosecution's case, applicant was apprehended on 29.05.2023 around 7.24 p.m. and he was produced before the learned Magistrate on 31.05.2023 at 3.50 p.m. The applicant was not produced before the Magistrate within 24 hours after his apprehension. The applicant was shown as arrested on 30.05.2023 at 11:09 p.m. i.e. more than 24 hours of his apprehension. No specific reasons are given in the chargesheet why applicant was not shown as arrested, though he was in custody of the customs police. In view of

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above, I pass following order.

ORDER

- i. The applicant be enlarged on bail in Crime No. 07 of 2023 registered with Narcotics Cell, Pune Customs Department, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.
 - ii. The applicant shall attend the concerned police station as and when required.
 - iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.
7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

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