

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 465 OF 2025

Akshay Shashikant Jagtap ...Applicant

Versus

State Of Maharashtra ...Respondent

Dr. Abhinav Chandrachud *a/w Datta Mane and Ganesh
Jadhav, for the Applicant.*

Ms. Megha S. Bajoria, *APP for the State-Respondent.*

API – Nilophar Shaikh, *DCB CID Unit-II, is present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 10th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 998 of 2023 dated 31st December 2023 registered with the Dindoshi Police Station, Brihanmumbai City, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“NDPS Act”).

2. The facts of the case, in brief, are that while the police officials were on patrolling duty, they found the Applicant lurking in suspicious circumstances. After following the due process of the NDPS Act, the Applicant was apprehended and

searched. A quantity of 56 grams of Mephedrone was recovered from his person. As the quantity of Mephedrone is commercial, the FIR was registered and the Applicant was arrested on 31st December 2023.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), City Civil and Sessions Court, Gr. Bombay. However, by order dated 10th January 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Dr. Abhinav Chandrachud, learned counsel for the Applicant, submits that the Applicant was arrested on 31st December 2023 and till date, the charges are not yet framed. He further submits that it is unlikely that the trial will conclude in the near foreseeable future. He further submits that the Applicant was being investigated in another matter and that, while being arrested in another C.R., the contraband was planted on him. He submits that the various compliances under the NDPS Act are not made, which clearly establishes

his story and on this ground also, the Applicant be released on bail.

5. Ms. Megha Bajoria, learned APP, submits that the CA report given by the FSL confirms that the contraband is a narcotic substance and that the quantity recovered is commercial quantity. She further submits that all the compliances under the NDPS Act are made. She further submits that the Applicant has previous two antecedents: in one, he was arrested for possession of an intermediate quantity of Mephedrone and in another, he was arrested for possessing of a small quantity of Mephedrone for personal consumption. He was on bail in both the aforesaid CRs.

6. In a counter to the statement of Dr. Chandrachud that charges are not framed and the trial has not commenced, Ms. Bajoria tendered a copy of the roznama of the Trial Court. The roznama dated 5th December 2025 indicates that the advocate for the accused was absent and the accused himself i.e. the Applicant, made an application for not framing of charges.

According to her, the Applicant himself delayed the trial. Moreover, the charges are not framed since the co-accused, who is released on bail, has not attended the Court. She thus prays that the Bail Application be rejected.

7. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

8. Admittedly, the Applicant has been found in possession of commercial quantity of Mephedrone to the tune of 56 grams. He has two antecedents. However, in the previous case, he was found in possession of intermediate quantity and small quantity for personal consumption. The roznama does indicate that the present Applicant made an application that the Trial Court may not record charges as his counsel was not present. However, Dr. Chandrachud, on instructions from the advocate on record, states that the charges could not be framed as the co-accused, who has been enlarged on bail, has failed to appear before the Court. Be that as it may, the

prosecution has not taken steps to seek a non-bailable warrant against the Applicant to facilitate the Court to frame charges.

9. In any case, the Applicant is in custody from 31st December 2023 and the charges are not yet framed. The Apex court, in a series of its decisions has observed, that failure to conclude the trial within a reasonable time resulting in prolonged 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 may in such circumstances be considered.

10. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;

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

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

(Dr. Neela Gokhale, J)