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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.541 OF 2025

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Ramagauda Chandrayagaud Idgai

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Taraq Sayed with Mr.Anish Pereira, Mr.Aryan Kotwal,
Mr.Ram Shinde and Krishna Tarde for the Applicant.

Ms.S.K. Gajare, APP for the Respondent – State.

CORAM : R.M. JOSHI, J.
DATE : 21ST APRIL, 2026.

P.C. :-

1. The Applicant seeks bail in connection with Crime No.79 of 2023 registered with D.C.B. C. I.D. Unit 9, Mumbai for offences punishable under Sections 8(c), 22(c), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. In brief, it is the case of the prosecution that on 15th October, 2023, two co-accused persons were intercepted and

from them commercial quantity of contraband Mephedrone (MD) was seized. Interrogation with them led the Investigating Agency to the plot No.C/181, Chincholi, M.I.D.C., Solapur, wherein manufacturing of MD was done. The said spot was revealed at the instance of the co-accused Rahul Gawali. The present Applicant being the Director of the Company, which had taken the said premises on rent, came to be arrested for financing and abetting the crime. On conclusion of investigation, chargesheet has been filed.

3. Learned counsel for the Applicant submits that there is no evidence in order to connect the Applicant with the crime in question. In order to support this submission, he argued that except for the fact that the Applicant is the Director of the Company, which has taken the premises on rent, there is no material on record to show the involvement of the Applicant in the crime. It is his contention that without making the Company as an accused, the Applicant cannot be foisted with the vicarious liability. To support this submission, he placed reliance on the judgment of the Hon'ble Supreme Court in the case of *Aneeta*

Hada vs. Godfather Travels & Tours Private Limited, (2012) 5

SCC 661. It is his further submission that in the offshoot of the present crime i.e. Crime No.762 of 2023 registered with Mohol Police Station, the Applicant has been granted bail by this Court in Bail Application No.2203 of 2025 at Circuit Bench at Kolhapur. It is his submission that having regard to these facts and more particularly when there is no evidence against the Applicant showing his involvement in the crime, the embargo of Section 37 of the NDPS Act does not apply to the present Applicant. He therefore seeks bail.

4. Learned APP opposed the application by citing seriousness of the crime to be the first ground. Secondly, it is her submission that apart from the statement of the co-accused, there is evidence in the form of statement of the wife of the Applicant, which indicates that the Applicant has contributed to the capital of the Company and as such there is sufficient material on record to show the involvement of the Applicant in this crime. It is claimed that the contraband seized from the co-accused is of commercial quantity so also there is evidence on record to hold

that in the Company of the Applicant and co-accused, the contraband MD was manufactured, on these amongst other contentions, the application was opposed.

5. At the outset, it needs to be recorded that there is no dispute about the fact that the Company of which the Applicant is the Director of the Company, has not been made as an accused. Section 38 of the NDPS Act provides that in case an offence has been committed by the Company, any person who at the time of offence was in-charge and was responsible to the Company for the conduct of the business of the Company shall be deemed to be guilty of the offence. In absence of the company being made as an accused, the present Applicant cannot be said to be deemed guilty of the offence by attracting vicarious liability. In any case, there is *prima-facie* no evidence to indicate that the Applicant was the in-charge and was responsible for the affairs of the Company.

6. Though it is a matter of fact that the statement of co-accused recorded under Section 67 of the NDPS Act is not admissible in evidence during the trial however, relying upon the said statement, a case is sought to be made out by the prosecution

that the Applicant and co-accused were manufacturing the said contraband in the factory with the help of others. In the entire statement of the co-accused, there is no reference to the present Applicant of having known the said manufacturing or being a party thereto. The only statement against the Applicant is the statement of his wife, wherein she states by selling agricultural land, the Applicant invested in the capital of the Company. In the considered view of this Court, the statement is not sufficient to hold that the Applicant was the in-charge of the Company and had knowledge of the manufacturing of contraband MD.

7. Apart from this, it is relevant to note that in the connected crime registered with Mohol Police Station in Crime No.762 of 2023, the Applicant has been granted bail by this Court at Circuit Bench at Kolhapur by an order dated 12th February, 2026 passed in Bail Application No.2203 of 2025. This Court has not taken exception to the judgment of the Hon'ble Supreme Court.

8. Having regard to the aforestated fact, this Court has no reason to reject the application. Hence the following order is

passed :-

ORDER:-

- i). The Application stands allowed. The Applicant - Ramagauda Chandrayagaud Idgai shall be released on bail on furnishing personal bond of Rs.25,000/ with one or two sureties in the like amount to the satisfaction of Trial Court.
 - ii). The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer ;
 - iii). The Applicant shall, at the time of execution of the bond, furnish his addresses and mobile numbers to the investigating officer, and the court concerned. and shall not change the residence till the final disposal of the case;
 - iv). The Applicant shall regularly remain present during the trial, unless exempted.
9. The above observations are *prima-facie* in nature and would not bind parties and Trial Court.

(R.M. JOSHI, J.)