

N.S.Kamble

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 671 OF 2025

Aryan Bijoy Kuruvital

...Applicant

VERSUS

The State Of Maharashtra

...Respondent

Mr.Rajendra Bidkar, for the Applicant.

Mr.S.R. Agarkar, APP for Respondent-State.

Mr.Prashant S. Tayade, API, Kamothe Police Station, Navi Mumbai.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 28th APRIL 2026P.C. :

1. By this Application, the Applicant is seeking regular bail in Crime No.159 of 2024 registered with Kamothe Police Station, Navi Mumbai, for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, ('NDPS' for short).

2. It is prosecution's case that on 5th June 2024 on secret information, the police apprehended the Applicant and in his personal search police found 14 LSD papers weighing 0.35 gm.

3. It is contention of learned counsel for the Applicant that there is violation of the Section 42 of the NDPS Act, as information was received by Police Naik and the said information was not given to superior officer. As

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per Government Notification, Police Naik is not empowered officer to conduct search and seizure under the NDPS act.

4. The learned counsel for the Applicant relied on Court in case of *Omkar Sanjay Khutle V/s. The State of Maharashtra* in Criminal Bail Application No.4243 of 2024 order dated 10th March 2025.

5. It is contention of learned APP that information was given in writing by the concerned Police Naik and he had informed to senior police Inspector and thereafter it was informed to Assistant Police Commissioner telephonically. The entry was made in the station diary. There is compliance of Section-42 the NDPS Act. The APP further submitted that the commercial quantity contraband was found in the possession of the Applicant. If the Applicant released on bail, he may abscond or threaten and prosecution witnesses, and requested to reject the Application.

6. I have heard both learned counsel. Perused charge-sheet and documents produced on record.

7. It appears that Police Naik-Sanjay Fulkar informed about the secret information to Senior Police Inspector, but there is no letter of information to the Superior Officer produced on record. This Court has released Omkar Khulte accused in said crime on bail for non-compliance of the Section 42 in Criminal Bail Application No.4243 of 2024. In present

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case also there is non-compliance of the Section 42 of NDPS Act and I pass following order.

ORDER

- (i) The Applicant be released on bail in Crime No.159 of 2024 registered with Kamothe Police Station, Navi Mumbai, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicant shall attend the concerned Police Station as and when required.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)