

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.685 OF 2025**

Sunny Rambabu Kashyap	...Applicant
<i>Versus</i>	
Union Of India and Anr.	...Respondents

Mr. Advait Tamhankar, *for the Applicant.*
Mr. Madhukar Dalvi, *Spl. PP for the Respondent No.1 - NCB.*
Ms. Megha S. Bajoria, *APP for the Respondent No.2 - State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 24TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 9 of 2023 dated 23rd May, 2023 registered with the Narcotics Control Bureau (NCB), for the offences punishable under Sections 8(c) read with Section 22(c), 27(a), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS').

2. The brief facts of the case are that the NCB received information from a secret source that the Applicant

was carrying MDMA/Ecstasy and LSD blot papers concealed in a courier parcel destined for one Mr. Rakesh Kul. The sender of the said parcel is one Alex Martinotti r/o Valley Road, London, U.K. The said parcel was lying in the Custom Examination Area, Foreign Post Office, Ballard Estate, Mumbai. It transpired that the said parcel contained MDMA/Ecstasy and LSD blot papers. After complying with the necessary provisions of the NDPS Act, the parcel was intercepted and opened. The information was confirmed as contraband was recovered from the said parcel. The NCB officials traced the phone number on the parcel. The Investigation revealed the present Applicant as the person who had used the mobile handset having the number, which was printed on the parcel containing the said contraband. Accordingly, the Applicant was arrested on 11th August, 2023.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), City Civil & Sessions Court, Greater Bombay. However, by order dated 12th December,

2024, the said application was rejected. Hence, the Applicant has filed the present Application for the relief as prayed.

4. Mr. Tamhankar, learned counsel for the Applicant, submits that the Applicant's name neither appeared as the cosignor nor a consignee of the parcel. He submits that he was implicated merely on a suspicion that the Applicant has used a mobile phone having the number, which was also printed on the label of the parcel. He submits that there is no other material on record to indicate Applicant's complicity in the alleged offence. He further submits that the said parcel was lying in the Customs Examination Area for three months, only after which the investigation commenced and for some reason the Applicant was roped in. He further submits that the Applicant has undergone incarceration for the past 2 years and only recently charges are framed. He thus submits that trial is not likely to conclude in the near foreseeable future and hence prays the Applicant be enlarged on bail.

5. Mr. Dalvi, learned Spl. P.P. representing the NCB, submits that the contraband recovered from the parcel is of commercial quantity. The Applicant has already disclosed his role and involvement in procurement, possession, transportation and sale of the contraband, in his statement recorded by the Police. He submits that there is independent corroborative evidence including the mobile phone linking the Applicant to the consignee's details, which are supported by CDR/CAF data. He submits that the Applicant is very much complicit in the offence and prays that the Bail Application be rejected.

6. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

7. Admittedly, save and except the link of the mobile phone, there is no other material on record to indicate complicity of the present Applicant in the alleged offence. The Applicant is in custody since 11th August, 2023 and has

suffered incarceration for almost two and half years. The charges have been framed very recently and it is unlikely that the trial will conclude in the near foreseeable future. The Applicant does not have any criminal antecedents against him.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly 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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;

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

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)