IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 988 OF 2025

Sandeep Jagdish Tomar …**Applicant**
Versus
Union of India & Anr. …**Respondents**

Mr. Darshit Jain, *for the Applicant.*
Mr. S.K.Halwasia, *SPP for the Respondent No.1-NCB.*
Ms. Megha S. Bajoria, *APP for the Respondent No.2-State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 13th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No.25 of 2023, dated 28th September 2023, registered with the Nacotics Control Bureau ('NCB'), Mumbai Zonal Unit, Mumbai, for offences punishable under Sections 8(c), 21(c), 22(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short). There are four Accused in the said case, of whom the

Applicant is Accused No. 4. All the accused are presently in custody. The Applicant was arrested on 13th March 2024.

2. The case of the prosecution, in brief, is that the Applicant, having a drug license for his medical firm operating under the name and style of **'**Pradhanmantri Bhartiya Jan Aushadi Kendra**'** at Umbargaon, Gujarat, used to place huge orders with various distributors, including a firm named M/s. Captab. However, the cough syrup bottles were procured from Captab, which dealt with only the said drug. It is alleged that the Applicant procured contraband using said license and supplied the same to Accused No. 2 – Bharat Pukhraj Choudhari, who, in turn, supplied it to Accused No. 1 – Ravish Nisar Ansari, who further distributed the same to customers. In this manner, the accused were running a drug racket and have committed the offence as described in the charge sheet.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, Bhiwandi. However, by order dated 13th January 2025, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Darshit Jain, learned counsel appearing for the Applicant, submits that the present case is one of false implication and that no contraband has been directly recovered from the Applicant. It is further submitted that Accused No. 2 – Bharat Pukhraj Choudhari, allegedly misused the Applicant's license to orchestrate the transactions, including misusing the Applicant's identity. According to Mr. Jain, the Applicant was already in custody in C.R. No. 115 of 2023, registered with Kongaon Police Station, District Thane, at the relevant time. Mr. Jain further submits that there is no direct evidence, Call Detail Records (CDRs), nor any statements of independent witnesses implicating the Applicant, except the statement of the co-accused. It is submitted that the Applicant has already undergone incarceration since 13th March 2024, and in the circumstances, he may be enlarged on bail.

5. *Per contra*, Mr. Halwasia, learned Special Public Prosecutor (SPP) appearing for Respondent No. 1 – NCB, strongly refutes the defense of the Applicant. He placed reliance on the Affidavit affirmed by one Amol Trimbak More, Intelligence Officer working with the NCB, Mumbai Zonal Unit, Mumbai, dated 7th November 2025 and attested before the Notary Public. Mr. Halwasia, drew my attention to the averments contained in the said Affidavit. He submits that the matter relates to a well-organized and professionally run drug racket, in which the Applicant is involved. He further submits that the Applicant already has three antecedents against him and was in custody since 2023 in another crime when he was arrested in the present crime. According to him, the other three offences are also under the provisions of the NDPS Act. In the present case, the bank statements of the Applicant, procured by the NCB from his bankers, clearly indicate regular transactions between the Applicant and the manufacturer, M/s. Captab, showing payments made on a daily basis. He submits that these transactions establish a direct link between the Applicant and M/s. Captab and indicate procurement of narcotic substances in bulk quantities. Mr. Halwasia further submits that there is sufficient material on record to show that the Applicant was complicit in the alleged offence. He emphasizes that the maximum sentence prescribed under the NDPS Act for the said offences is between ten and twenty years, and the period of two years, undergone by the Applicant, is not long incarceration in the context of the present case. He also submits that there is no delay in the trial before the NDPS Court on part of the prosecution and any delay in framing of charges is attributable to successive bail applications and other applications filed by the Applicant and the co-accused. However, he submits that the matter is listed before the Trial Court today, and in all likelihood, charges are likely to be framed today itself, subsequent to which, the recording of evidence shall also commence. Thus, he prays that the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. I have carefully perused the averments made in the Affidavit as well as the material placed on record in the charge-sheet. A significant aspect, which merits consideration, is the bank statement of the present Applicant. The same clearly reveals multiple transactions between the Applicant and the manufacturer of the drugs, namely M/s. Captab. The bank records indicate that on every date, there are more than four to five entries reflecting transfer of cash to the account of M/s. Captab towards purchase of drugs. The cash entries produced on record in the charge-sheet pertain to the period from January 2023 to December 2023. These transactions, *prima facie*, belie the contention of the Applicant that he was unaware of the said dealings and that the entire bank account was being operated by Accused No. 2 – Bharat Pukhraj Choudhari during the period when the Applicant was in custody. It is pertinent to note that although the Applicant was in custody from April 2023, the bank statements disclose transactions even prior to April 2023. This material, at this stage, *prima facie* indicates the Applicant's involvement in the alleged transactions. It is alleged by Mr. Halwasia from the material collected during investigation, that M/s. Captab only supplies cough syrup and only that particular drug was purchased by the Applicant.

8. Considering the CDRs placed on record, coupled with the frequent bank transactions between the Applicant and the manufacturer, namely M/s. Captab, *prima facie,* there is reasonable ground to believe that the Applicant has committed the alleged offence. Mr. Halwasia, adds that the said manufacturer, namely, the Captab is engaged exclusively in the manufacture and supply of cough syrup and does not deal in any other pharmaceutical products.

9. In a recent decision, the Punjab and Haryana High Court, by its common Judgment and Order, while deciding 8 bail applications in ***Aashish Verma v. Union of India through***

Narcotics Control Bureau Amritsar Zonal Unit, Amritsar[1], observed as under:

> *"9. At the outset, it may be observed that at the stage of consideration of regular bail, this Court is not required, nor would it be appropriate, to undertake a meticulous examination of the legality of commercial transactions or to record definitive findings on the merits of the competing claims, which is to be tested during trial. Nevertheless, the Court cannot remain oblivious to the broader factual backdrop emerging from the record while assessing whether discretion ought to be exercised in favour of the petitioner(s).*
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> *9.1. The grant of bail, though discretionary, assumes a narrower compass where allegations pertain to organised diversion of regulated pharmaceutical substances into illicit channels under the guise of lawful business operations. Courts have consistently cautioned that entities operating within the pharmaceutical sector cannot be permitted to cloak unlawful activities behind the facade of licences or corporate structures, particularly where the allegations disclose large-scale commercial dealings capable of undermining the statutory framework of the NDPS Act. It is a settled principle that legality of form cannot defeat scrutiny of substance; the mere existence of licences or*

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corporate entities does not, by itself, dispel a prima facie inference arising from surrounding circumstances.

9.2. In cases involving alleged diversion through layered business arrangements or intermediary entities, the Court is required to adopt a cautious approach, as complex offences pertaining to narcotics, often employ structured transactions or shell arrangements to distance principal actors from the physical recovery of contraband. The submission that the petitioner(s) were operating through licensed entities or formal commercial channels, therefore, cannot be accepted at face value at this stage, particularly when the magnitude of the alleged recovery indicates a coordinated supply chain extending beyond isolated transactions. Commercial sophistication cannot be permitted to become a shield against criminal accountability."

10. In the aforesaid circumstances, this Court is unable to record a satisfaction that there are reasonable grounds for believing that the Applicant is not guilty of the alleged offence. Further, having regard to the antecedents of the Applicant, this Court is also not in a position to record a finding that the Applicant is not likely to repeat the said offence, if granted bail.

11. In view of the aforesaid discussion and having regard to the material placed on record, this Court is of the considered opinion that the present case does not warrant the grant of bail to the Applicant.

12. Accordingly, the Bail Application stands rejected.

13. 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)

SHAMBHAVI NILESH SHIVGAN

Digitally signed by SHAMBHAVI NILESH SHIVGAN Date: 2026.02.17 11:09:21 +0530