

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1691 OF 2025**

Nayan Rasikbhai Gadhesaria ...Applicant
Versus
Union Of India And Anr. ...Respondents

Ms. Munira Palanpurwala, *a/w Deepa Amati, Kainat Sayyed
and Sumaiya Khan i/b Deepa Amati, for the Applicant.*
Ms. Neha Patil, *SPP for Respondent No.1-NCB.*
Ms. Poonam P. Bhosale, *APP for the Respondent No.2-State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 27th JANUARY 2026

PC:-

1. Ms. Neha Patil, learned counsel appearing for the Respondent-Union of India, has tendered her Affidavit-in-Reply. The same is taken on record.

2. The Applicant seeks his release on bail pertaining to F. No. NCB/MZU/CR-06/2024 registered by the Narcotics Control Bureau for offences punishable under Sections 8(c) read with Section 22(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

3. There are in all five accused. The Applicant is Accused No.5.

4. On specific information received by the NCB officials and after following the due process of law and also complying with the provisions of the NDPS Act, Accused No.1, Sheldon, was arrested and contraband of commercial quantity was seized from him. On interrogation, the role of the present Applicant was revealed. Apparently, Accused No.1 got the contraband from Accused No.4, who in turn purchased the same from Accused No.5 i.e. the present Applicant, who is stated to be the owner of a pharmaceutical company. On investigation, it was revealed that there were some financial transactions between Accused No.4 and Accused No.5, whereby Accused No.5 received as much as Rs.27,00,000/- from Accused No.4. There are also CDR between Accused No.1, Sheldon, and the Applicant herein. On this premise, the present Applicant was arrested on 21st August 2024.

5. The Applicant has filed an application seeking bail before the Special Judge (NDPS), City Civil and Sessions Court, Greater Mumbai. However, by order dated 21st March 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

6. Ms. Munira Palanpurwala, learned counsel for the Applicant, submits that there is nothing on record to indicate the Applicant's role in the offence as alleged. There is nothing to connect him with the contraband seized from Accused No.1. In fact, the only alleged evidence against him is the bank transactions, whereby he has received some money from Accused Nos. 1 and 4. She submits that there are no bank transactions on record pertaining to the year 2024 when the said seizure was made from Accused No.1. The bank transactions relate to business transaction between Accused No.4 and the Applicant pertaining to the year 2023. Hence, she submits that there is no proximity between the seizure of the contraband from Accused No.1 and the bank transactions

between Accused No.1 and the Applicant. Thus, she submits that there is nothing to implicate the Applicant in the said offence. She submits that the Applicant has no antecedents and considering that the Applicant has suffered incarceration for as many as 17 months, he may be enlarged on bail.

7. Ms. Neha Patil, learned SPP, states that there is no cogent explanation or justification extended by the Applicant to explain the money transactions as indicated in his bank statement. The transactions between the Applicant and Accused Nos.1 and 4 are only related to the contraband transaction. She submits that only when the information was received, further steps could be taken by the NCB officials to recover the contraband from Accused No.1 and thereupon, after investigation, the role of the Applicant herein and Accused No.4 was revealed. She thus states that there is no requirement of proximity to be shown at this stage. She also submits that the CDR indicating calls between the Applicant, Accused No.4 as well as Accused No.1, reveals their close

association. She thus prays that the Bail Application be rejected.

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

9. At the outset, it appears that there are no bank transactions relating to the year 2024, at the time when the contraband was alleged to have been recovered from Accused No.1. Admittedly, the Applicant is the owner of a pharmaceutical company. The only evidence, at this stage, against the present Applicant is the bank transaction between him and Accused No.4 and some bank transactions between him and Accused No.1. The only material against the Applicant is the credit entries, transferred to Accused No.4. The Applicant has suffered incarceration of about 17 months and admittedly, the charges not being yet framed, 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.

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

11. 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)