

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2448 OF 2025**

Nishant Shashikant Modi

... Applicant

Versus

The Union Of India And Anr.

... Respondents

Mr. Parvez Memon a/w. Mr. Pratik Karande i/b. Mr. Aditya Talpade,
Advocates for the Applicant.

Mr. S. K. Halwasia a/w. Mr. Keshav Thakur, APP for Respondent No.1.

Mr. S.S.Pednekar, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 6th JANUARY, 2026.

P.C. :

1. Heard learned counsel for the Applicant, learned counsel for Respondent No.1 and learned APP for the State.
2. Learned APP tendered affidavit-in-reply. It is taken on record.
3. By this application, the Applicant seeks regular bail in C.R.No. 38 of 2024 registered with Samarth Police Station, Pune, for the offences punishable under Section 8(c) r/w Sections 22(c), 27A, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”).
4. It is prosecution’s case that on 19.02.2024, on secret

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information, police intercepted white coloured Ertiga car. In the said car, two persons were found. Upon conducting search of the said car, police found 500 gm Mephedrone. Thereafter, police seized 500 gm Mephedrone from co-accused and 750 kg Mephedrone from the other co-accused. It is alleged that the Applicant financially helped the co-accused to purchase the said Mephedrone.

5. It is contention of learned counsel for the Applicant that the Applicant is the proprietor of Express Hub International and Cargo. The Applicant does not hold an international courier licence and was exporting on the courier licence of third party i.e. Sunpriya Couriers i.e. Firm of accused No.10. The amount paid by the Applicant were the charges of the said courier. The Mephedrone found in the possession of the co-accused was of around Rs.200/-Cr. and the amount sent by the Applicant to accused No.10 was Rs.15 lakhs. The said amount was transferred through bank transaction. If the Applicant had sent the amount for purchasing the Mephedrone, the amount would not have been transferred through bank transaction. The Applicant has produced Airway bills to shows that the amount was in respect of consignment of cargo. The Applicant is behind bar for more than one year and four months. He has no antecedents. There are no call records between the Applicant and co-accused and requested to allow the application.

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6. It is contention of learned APP that the Applicant was actively involved in the present crime as he sent amount of more than Rs.15 lakhs and 21 lakhs to accused No.10. The said amount was used by the accused No.10 for purchasing Mephedrone. It shows active involvement of the Applicant in the crime. If Applicant is released on bail, he may abscond or threaten the prosecution witnesses. Further, there is bar under Section 37 of N.D.P.S. Act for granting of bail. Hence, requested to reject the application.

7. I have heard both the learned counsels. Perused FIR and documents produced on record. No call record produced on record to show that at the time of incident Applicant was in contact with the co-accused. The amount of Rs.21 lakhs was sent by the Applicant in the name of firm of the accused No.10 and amount of Rs.15 lakhs was sent in the bank account of the accused No.10. The Airway bill produced on record shows that the cargos were booked. The Applicant has no criminal antecedents. The Applicant runs the firm Express Hub International and Cargo and accused No.10 also runs international courier firm. It is contention that the amounts transferred by the Applicant were towards courier charges, as the Applicant was not having international courier licence. The said amount was transferred through bank account. To show the involvement of the Applicant in the crime, evidence is required. The

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Applicant is behind bar for 1 year 4 months. It may take time to conclude the trial. Considering these facts, I pass following order.

ORDER

- i. The Applicant be released on bail in C.R.No. 38 of 2024 registered with Samarth Police Station, Pune, upon executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.
 - ii. The Applicant shall attend the concerned police station as and when required.
 - iii. The Applicant shall not tamper with the evidence or attempt to influence any person concerned with the case.
 - iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
8. The Bail Application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)