

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2471 OF 2025

Jitendra Hiralal Gomtiwal ...Applicant

Versus

Narcotics Control Bureau And Anr. ...Respondents

Mr. Rajendra S. Bidkar, *for the Applicant.*

Mr. S. K. Halwasia *i/b Keshav Thakur, for NCB-Respondent
No.1.*

Ms. Anuja S. Gotad, *APP for the State-Respondent No.2.*

CORAM DR. NEELA GOKHALE, J.

DATED: 11th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with File No. NCB/MZU/CR-14/2023 in NDPS Special Case No.2330 of 2023 for the offences punishable under Sections 8(c), 22(c), 27A, 28 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The facts of the case, in brief, are that acting on the information from a secret source, the police apprehended the main accused i.e. Accused No.1, Imtiyaz Kodalkar, when he disembarked from the Saurashtra Express which arrived at Dadar Railway Station on 2nd July 2024. A huge quantity of Alprazolam Tablets I.P. 1 mg (Alpratan-1) was found and

recovered from his possession. Consequently, Imtiyaz Kodalkar was arrested pursuant to the registration of the FIR. On the basis of the statement of Imtiyaz Kodalkar, Accused No.2 was also taken into custody and Accused No.2 revealed the name of the present Applicant. The Applicant herein is the owner of Vanshraj Medical, Umargram, Gujrat. The modus employed by the Accused was that the Applicant i.e. Accused No.3 used to transfer money to Accused No.2 for procuring the contraband from the shop of the present Applicant. Accordingly, the Applicant i.e. Accused No.3 was apprehended and arrested on 7th February 2024.

3. The Applicant made an application seeking bail before the Special Judge (NDPS) and Additional Session Judge, City Civil and Sessions Court, Gr. Bombay. However, by order dated 6th May 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Rajendra Bidkar, learned counsel for the Applicant, at the very outset, tendered an order dated 22nd December

2025 passed by this Court enlarging Accused No.2 on bail. He submits that the role attributed to Accused No.2 is identical to the role attributed to the present Applicant, inasmuch as nothing was recovered from the present Applicant and he was arrested only on the statement of Accused No.2. In the same circumstances, Accused No.2 was also arrested on the statement made by the Accused No.1. Nothing was recovered from both the Accused. Hence, he claims parity with Accused No.2. He also submits that the Applicant was arrested on 7th February 2024 and for the past two years, has suffered incarceration without the recording of evidence having commenced.

5. At this juncture, Mr. Halwasia, learned SPP, states that the charges are now framed and the compliance of Section 294 is also made. On the next date, the Trial Court will commence the recording of evidence. He submitted that, at best, there are only 10 to 12 witnesses, whom the prosecution intends to examine. In these circumstances, he prays that the Bail Application be rejected.

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

7. Admittedly, the Applicant is in custody since 7th February 2024. Two years have elapsed and the evidence has not yet commenced. It is unlikely that the trial will conclude in the near foreseeable future. In any case, the Applicant has been arrested only on the statement of the co-accused and nothing has been recovered from him.

8. In view of the aforesaid, 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 office of NCB, Mumbai, on first Monday of every month between 10:00 a.m. and

12:00 p.m. 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.

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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)