

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2824 OF 2025

Prashant Kumar Nayak

...Applicant

Versus

The Union of India

...Respondent

Mr. Amol M. Thombre, for the Applicant.

Ms. Manisha S. Jagtap, Spl. PP for the Respondent – Union of India.

Ms. Poonam P. Bhosale, APP for the Respondent No.2 – State.

CORAM DR. NEELA GOKHALE, J.

DATED: 17TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No.23 of 2024 dated 23rd October, 2024 registered with the Narcotics Control Bureau (NCB), Mumbai Zonal Unit, Mumbai, for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(C), 27(a), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS'). In all there are five accused persons involved in the present offence.

Accused No.4 has been granted bail this Court today by a separate order. The applicant is Accused No.3.

2. The brief facts of prosecution the case are that the officials of NCB Zonal Unit, Mumbai received intelligence that two persons namely Deepak Biswal and Samir Kanhar were traveling in a bus, coming from Odisha heading to Mumbai, carrying substantial quantity of ganja. Acting on the said information, the NCB officials intercepted the bus. After complying with the mandatory provisions of the NDPS Act, they searched the bus and the accused and recovered 48 Kgs of ganja. Both the Accused Nos.1 and 2 were arrested. Upon further investigation of these two accused, Deepak Biswal revealed the name of Accused No.3 namely, Prashant Nayak i.e. the present Applicant as the person who was to receive the said contraband. Pursuant to registration of the FIR, the Applicant came to be arrested.

3. The Applicant made an application seeking bail before the Special Judge, NDPS, Brihanmumbai City. However,

by order dated 26th June, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Thombre, learned counsel for the Applicant, submits that there is no recovery of any contraband from the possession of the present Applicant. There is no evidence on record to indicate the complicity of the Applicant in the alleged offence. He submits that there is no conspiracy within the meaning of Section 29 of the NDPS Act. He submits that only on the statement of the Accused No.2, Samir Kanhar, the Applicant has been arrested. He further submits that there is no incriminating material available on record against the Applicant to justify his arrest. He, therefore, prays that the Applicant be enlarged on bail.

5. Ms. Jagtap, learned Spl. PP, brought to my attention the averments made by the Sub-inspector, NCB, in his affidavit dated 4th December, 2025 affirmed before the Notary Public. She submits that the present Applicant is an

active participant in the organized trafficking and distribution of ganja in the Mumbai. The role of the present Applicant is disclosed when Deepak Biswal and Samir Kanhar gave their voluntary statement specifically disclosing the role of the present Applicant as being the distributor of the ganja. According to her, the ganja recovered from their possession weighing 48 Kgs was for the purpose of giving it to the present Applicant for further distribution. She, therefore, submits that the Applicant is involved in drug trafficking and prays that the 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, no contraband was recovered from the present Applicant. The Applicant was arrested on 23rd October, 2024 and has suffered incarceration for almost one and half years. Only on the statement of the co-accused the Applicant has been arrested. In these circumstances and in the facts of

the present case, *prima facie* there is a reason to believe that the Applicant has not committed the alleged offence.

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 is a holder of passport, he shall deposit the same, if not already deposited, 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)