

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3485 OF 2025**

Kishore Mankik Phulekar	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Ankit R. Takle *i/b Tarsem Singh Gabbi, for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
Mr. T. D. Bhopale, *Pelhar Police Station, Palghar, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 05th JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.522 of 2024 dated 8th June, 2024, registered with the Pelhar Police Station, District: Palghar, for the offences punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The facts of the present case, in brief, are that on 8th June, 2024, the police received a secret information that

some persons are likely to come to Pelhar, Nallasopara (E), to sell the contraband namely Ganja. Accordingly, after complying with the statutory provisions of the NDPS Act, a trap was laid and the accused were apprehended. 12 Kgs of Ganja was recovered from Accused No.1 i.e. the Applicant herein. During the interrogation, the Applicant revealed that he had purchased the Ganja from Accused No.2 and also revealed that some more quantity of Ganja was stored in a Ford Fiesta car by them. He revealed that the car was parked at a particular location and there was 12 Kgs of Ganja stored in the said car. The Investigating Officer seized the Ford car and also recovered 11.700 Kgs of Ganja from said car. Accordingly, it was revealed that both the accused i.e. Accused No.2 and the Applicant herein had conspired in the durg dealing offence and they used the said car, for transporting the contraband material. The FSL report is received and is positive in respect of the identification of the said contraband as Ganja.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Vasai, however, by an order dated 12th March, 2025, the said Application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Ankit Takle, learned counsel for the Applicant, has raised a significant point. He has brought to my attention the Inventory Panchanama by which the contraband was sent to the FSL. The Inventory Panchanama shows that the 28 grams of Ganja sent to the FSL in a sealed packet was marked as 'B' and other marked as 'D' containing 28 grams of Ganja. He draws my attention to the FSL report, and the description of articles contained in the parcel in the FSL report shows two separate packets / envelopes as being sent to the FSL as A-1 and A-2. This shows that there is a discrepancy in the packets that were sent by the police to the FSL. Mr. Takle submits that on this ground alone, the Applicant deserves to be enlarged on bail. In any case, he submits that the car, although in the

name of co-accused, was given for use, to his friend. His brother has also given a statement to that effect. In these circumstances he prays that the Applicant be enlarged on bail.

5. Ms. Bajoria, learned APP, representing the State, submits that the offence is serious and the quantity of contraband recovered from the Applicant and co-accused is equivalent to commercial quantity. She submits that the rigors of Section 37 of the NDPS Act will apply. She submits that if the Applicant is enlarged on bail, he may commit the same offence again. Thus, she resists the Bail Application.

6. I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

7. At the outset, the argument raised by Mr. Takle regarding the discrepancy in the parcels sent to the FSL for analysis is quite significant. It is not clear as to which parcels were sent to the FSL. On the basis of existence of the

discrepancy in the packets sent to the FSL and that received by the FSL, there are reasonable grounds to believe that the Applicant has not committed the said offence. In that view of the matter, the embargo of Section 37 of the Act is satisfied.

8. More importantly, since the co-accused is already enlarged on bail by order dated 19th November 2025, the principle of parity shall also apply.

9. 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 has not deposited his passport, if any, the Applicant shall deposit the same 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.

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

(Dr. Neela Gokhale, J)