

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3583 OF 2025**

Hemant Jayantibhai Patel	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Manoj Mohite a/w Hrutik R. Chavan and Dulraj Jain i/by
Shrey S. Lodha, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*

Mr. Sandip Nigade, ANC, New Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 13TH JANUARY 2026

PC:-

1. By these Applications, the Applicants seek their enlargement on bail in connection with C.R. No. 0201 of 2025 dated 15th April, 2025 registered with the Nerul Police Station, for the offences punishable under Sections 8(c), 20(b)(ii)(A) (B), 21(a), 23(a), 23(b), 27A and 29 and of the Narcotic Drug and Psychotropic Substances Act, 1985 (for short '**NDPS**') and Sections 338, 336(3), 340(2) and 255 of the Bharatiya Nyaya Sanhita, 2023 ('**BNS**'). However, the Applicant is charged only under Sections 27A and 29 of the NDPS Act.

2. The facts of the case, in brief, as discerned from the FIR are that there are in all 26 accused persons involved in the present case. The Applicant is Accused No.19. The Applicant is arrested on the basis of the statement given by Accused No.17 namely, Navin Gurunath Chichkar and one Lalubhai Lilabhai Desai, who is a witness in the said offence. The role of the Applicant is that he was engaged in the business of transferring money and basically working as an *Angadia*. Lalubhai Desai's statement against the present Applicant is that the Applicant was known to him for the past five years since they shared adjoining office. It is stated that in January, 2025, the witness telephoned the present Applicant and sought his services to transfer certain money to the co-accused Prabhat Pandey and Sujit Bangera. Accordingly, the witness facilitated a transfer of Rs. 30,00,000/- which he took from Prabhat Pandey and Sujit Bangera and transferred to the present Applicant. He stated that he is not aware as to what the present Applicant did with the said money. The Applicant

was implicated in the present offence on the basis of the said statement. The Applicant was arrested on 16th June, 2025.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Belapur, however, by order dated 4th September, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Manoj Mohite, learned Senior Counsel appearing for the Applicant, submits that there is no recovery made from the Applicant. The only statement against him was that of the co-accused who has also stated that transfer of cash from one person to another was facilitated by the present Applicant. The other statement of one witness namely, Lalubhai Lilabhai Desai who has also stated that he was aware that some money transactions were made by the Applicant with some of the accused. He submits that there is no other material on record to implicate the present Applicant in the alleged offence. He further submits that the Applicant is in

custody since 16th June, 2025, and no purpose will be served by continuing his incarceration. He thus, prays that the Applicant be enlarged on bail.

5. Ms. Megha Bajoria, learned APP representing the State, submits that this is a drug cartel nexus between the co-accused which are 26 in number and the present Applicant is one of them. She submits that there is one criminal antecedent against the present Applicant. She submits that although no contraband was recovered from the present Applicant, his role of facilitating cash transfers through *hawala* is sufficient to incriminate the present Applicant in the said offence. She submits that the Applicant is in custody only for few months, the maximum punishment being 10 to 20 years, this is not a case of long incarceration. She thus, 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, there is nothing recovered from the present Applicant. Save and except the money transferred by him to the co-accused, there is no material to demonstrate his complicity in the said offence. Admittedly, there is only one antecedent against the present Applicant. The said antecedent is also related to transfer of money to persons connected with the similar offence and that the Applicant was working in his capacity as an *Angadia*. There is no other antecedent against him under the NDPS Act or any other offence. Apart from the statement of the co-accused as well as the said witness, both of whom state that the role of the Applicant is facilitating cash transfers, there is no material on record to establish the Applicant's complicity in the alleged drug cartel. In these circumstances, there is a reasonable ground to believe that the Applicant has not committed the offence as alleged and it is not likely that he will repeat the said acts.

8. In view of the aforesaid, 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. 1,00,000/- 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 the 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; and

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

(DR. NEELA GOKHALE, J)