

N.S.Kamble

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

CRIMINAL BAIL APPLICATION NO.3904 OF 2025

Gopichand Ramlal Bishnoi

....Applicant

VERSUS

The State Of Maharashtra

....Respondent

 Mr.Taraq Sayed a/w Ms.Ashwini Achari, for the Applicant.

 Mr.P.P. Jadhav, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th APRIL 2026

P.C. :

1. By this Application, the Applicant is seeking regular bail in Crime No.445 of 2023 registered with Vimantal Police Station, Pune, for the offences punishable under Section 8(c) read with Sections 21(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, ('NDPS' for short).

2. It is prosecution's case that on 24th August 2023, the Applicant was apprehended by the police, and from his possession, the police found 53.860 grams Mephedrone and 312.60 grams of heroin.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bars for more than two years and seven months. He further submits that search of the Applicant was conducted by two different

N.S.Kamble

officers. However, in Panchanama, it is not clearly mentioned as to who has conducted the search of the Applicant. In one part of the documents, it is mentioned that PI Mr.Thopate has conducted search and in other part, it is mentioned that PSI Mr.Digamber Chavan has conducted the search. Thus, there is inconsistency regarding Officer who has conducted the search of the Applicant. The learned counsel further submitted that in panchnama, it is mentioned that signature of the Applicant was taken on one paper piece, but it is referred in panchnama produced before the Magistrate, that only signature's of panchas and Investigating Officer were there. The FIR was registered in bulk, and requested to allow the Application.

4. It is contention of learned APP that the panchnama clearly shows PSI Mr.Chavan and PI Mr.Thopte were present at the time of conducting search of the Applicant. The learned APP further submitted that in inventory panchnama, it is mentioned that contraband was in sealed condition and bears the signatures of the panchas. The learned APP further submitted that in panchnama, details of seizure of the mephedrone and heroin from the possession of the Applicant is mentioned. The contraband found in the possession of the Applicant was of commercial quantity. If the Applicant released on bail, he may abscond or threaten prosecution witnesses, and requested to reject the Application.

N.S.Kamble

5. I have heard both learned counsel. Perused charge-sheet and documents produced on record.

6. It appears from seizer panchnama and statement of witnesses that both Mr.Chavan, PSI and Mr.Thopte, PI were present at the time of the search of the Applicant. Merely because there is reference of these two officers in statement of wittiness about taking search of the Applicant cannot be considered as ground for grant of bail. In the panchnama it is mentioned that signature of the Applicant was obtained on one separate piece of paper. While preparing inventory panchnama, the learned Magistrate has recorded that the contraband was found in the sealed condition and he has described the same in detail, but he has not mentioned about the signature of Applicant as Applicant's signature was taken on separate piece of paper and not mentioning it in panchanma cannot fatal to the prosecution's case.

7. It appears from the record that the Applicant was apprehended and in his possession the commercial quantity of the mephedrone and heroin was found, therefore rigors of Section 37 of NDPS Act are attracted. Though, the Applicant was earlier granted liberty to file fresh Bail Application after nine months, but mere lack of progress in the trial cannot be a ground to consider his bail Application in view of statutory restrictions. The Applicant is behind bars for more than two years and seven months,

N.S.Kamble

whereas maximum punishment provided for the offence is 20 years.

8. In view of above, I pass following order.

ORDER

- (i) The Application is rejected.
- (ii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)