

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3929 OF 2025

Sujit Raghunath Bangera

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Chaitanya Pendse a/w Vinod Kendre, Govind Mundhe,
Bharat Shinde and Parthraj Ware, *for the Applicant.*

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

Ms. Ilsa Shaikh a/w Sr. Adv. **Mr. Manoj Mohite**, *Amicus curae.*

PI – Sandeep Nigade, ANC, Navi Mumbai, present.

CORAM

DR. NEELA GOKHALE, J.

RESERVED ON:

25TH FEBRUARY 2026

PRONOUNCED ON:

27TH FEBRUARY 2026

JUDGMENT:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 201 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 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS') and Sections 338, 336(6), 340(2), 255 of the Bharatiya Nyaya Sanhita,

2023 ('**BNS**'). In all, there are 26 accused involved in the present offence. The present Applicant is Accused No.4 and he is charged with offence punishable under Sections 23(a), 23(b), 27A of the NDPS Act.

2. The brief facts of the case are that upon specific information, the police officials of the Nerul Police Station, proceeded to the residence of one of the persons against whom, information was received regarding the said persons being actively involved in illicit trade of Hydro Ganja. After compliance with the provisions of the NDPS Act, the officials proceeded to take action based on the information received. Upon reaching the location, the officials and the panchas headed towards the terrace of the building. However, noticing the police, the accused persons attempted to evade apprehension and one of them fled away. Remaining two accused i.e. Ashish Gaware and Ahmed Olgi were arrested. 1.15 Kgs of Ganja and 17.19 grams of Hydro Ganja were recovered. Accused were taken into custody and their

statements were recorded. The statements of the arrested persons revealed the name of another accused one Sahil Lambe, who was also apprehended and further quantity of Hydro Ganja and Cocaine was recovered from him. During his interrogation the name of the present Applicant surfaced. Pursuant to a raid conducted at the Applicant's residence, the Applicant was arrested on 16th April, 2025. However, no contraband was recovered from him nor from his premises.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Belapur. However, by order dated 27th June, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Pendse, learned counsel for the Applicant, submits that the Applicant is innocent and is falsely implicated in the alleged offence; there is no material evidence against him; and he has been arrested only on the statement of the co-accused, which is inadmissible in evidence. He further

submits that till date the charges are not framed and the trial is not likely to conclude in the near foreseeable future. He, therefore, prays that the Applicant be enlarged on bail.

5. Ms. Bajoria, learned APP representing the State, brought to my notice the statements of independent witnesses namely, Ashish B. Bandgar, Karan Harish Karva, Kartik Prakash Jain, Mandar Umesh Shirke, Anil Sabne, Durgesh Devisharan Patel, Dipen Dinesh Shah and Lalubhai Leelabhai Desai recorded by the Police under Section 180 of the BNSS and before the Magistrate under Section 183 of the BNSS respectively. Ms. Bajoria also pointed out that several witnesses at some point or the other, mentioned the name of the present Applicant as being involved in commission of the alleged offence. She submits that the offence is serious and the rigors of Section 37 of the NDPS will apply in this case. She, therefore, prays that the application be rejected.

6. I have heard learned counsel for the respective parties and have gone through the papers with their assistance.

7. I have also carefully gone through the statements of witnesses as cited by and relied upon by Ms. Bajoria. It appears that some of the statements are made by the co-accused hence they are inadmissible in evidence at this stage. However, the statement of independent witness namely, Karan Karva establishes the Applicant's complicity. Karan Karva has stated that he used to buy contraband for self consumption from some of friends who were also users, who in turn used to purchase the same from the Applicant. Further, another independent witness namely, Kartik Jain, who was working with Ankit Patel, has stated that he witnessed the Applicant accompanying co-accused Kamal Chandwani @ K.K. who is one of the main accused in the CR transferring cash. Ankit Patel is an Angadia. In fact, Kartik has also stated that the Applicant and K.K. told him that they were working in some

business relating to gold and hence, they were required to transfer large amounts of cash by USDT. He later, realised that they were drug dealers.

8. I have also carefully perused the statement of witness Mandar Shirke, recorded by the Magistrate under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'). Said Mandar was working in Merchant Navy and used to purchase the contraband for personal consumption. He used to attend parties and his friends, Akshay and Nilesh would get contraband. He was also aware that the said contraband was sent by one of the main accused Navin Chichkar from Thailand and that the same was further distributed to consumers by the Applicant, Vinit Chandran @Vintya, Prabhat Pandey, Nilesh Singh and Akshay Dhondi. These persons further distribute the contraband to Akash Mourya, Ganesh Patil, Azhar Shaikh and Jay Koli in small quantities to the consumers / users. Ashish Bandgar, another independent witness in his Section 183 statement has also

corroborated the statement of Mandar Shirke that the Applicant used to purchase Hydro Ganja from Navin Chichkar from Thailand; and Tejinder Saini was looking after the Applicant's business. There are other witnesses also who corroborate the statements of the aforesaid witnesses and these statements are consistent with each other.

9. Another witness namely, Lalubhai Desai has also stated that he was working as an Angadia and in January, 2025, one Hemant Patel called him and told him that Prabhat Pandey and the Applicant were coming to deposit Rs.30,00,000/- with him, which amount Lalubhai should send by Hawala to Ankit Patel. Accordingly, he has sent the amount. It is the prosecution case that this was the *modus operandi* of the drug cartel, inasmuch as, these dealers including the Applicant, would distribute the contraband in small quantities to the users for consideration and would send the amounts to the distributor via Hawala through Angadias.

10. Having considered the submissions of the counsel and upon careful perusal of the statements of the independent witnesses, I am of the view that the Applicant has not made out a case for grant of regular bail at this stage. Despite there being no direct recovery of the contraband, the prosecution's case, at this stage, demonstrates the involvement of the present Applicant in facilitating distribution of contraband. Although, no contraband was recovered from the present Applicant, *prima facie* there seems to be pattern of covert co-ordination and facilitation in the distribution of the contraband. Ms. Bajoria informs this Court that the charges are to be framed shortly and recording of evidence will also commence soon.

11. I am conscious of the settled principle that pre-trial incarceration should not translate into punitive detention. The Applicant is in custody since 16th April 2025. The maximum sentence prescribed for the offences as alleged against the Applicant is 10 to 20 years. Hence, the period of

incarceration of the Applicant cannot be said to be long incarceration.

12. In view of the aforesaid discussions, I am not inclined to grant relief to the Applicant.

13. The Bail Application is rejected. The Applicant is however, at liberty to move a fresh bail application, if there is no substantial progress in the trial within six months from the date on which the present order is communicated to the Trial Court.

14. The Bail Application is accordingly disposed.

15. 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)