

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3968 OF 2025**

Akshay @ Yatish Mansingh Rite	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Taraq Sayed, *with Ashwinii Achari, Aryan Kotwal, i/b Nilesh Navale, for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the State-Respondent.*
Mr. Surwade, *API attached to Mumbra Police Station, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 3rd FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 464 of 2025 dated 15th March 2025, registered with the Mumbra Police Station, Thane, for the offences punishable under Sections 8(c) read with Section 20(B)(ii)(C) and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). There are in all 11 Accused. Out of them, 6 are wanted

and Accused Nos.1 to 5 are in custody. The present Applicant is Accused No.4.

2. The case of the prosecution, in brief, is that Accused No.1 – Manjunath Gaikwad and Accused No.2 – Rajesh Dilip Patil are the principal accused. The police officials received information from a secret source that during the intervening night of 14th and 15th March 2025, a small tempo carrying *ganja* would travel from Retibunder to Mumbra. It was further informed that the said tempo would be manned by two persons and would be transporting 60 kilograms of *ganja*. Accordingly, the police set up a trap with panchas and, after following due process of law, intercepted the tempo when it was proceeding along the road. However, the two persons manning the tempo abandoned the vehicle and fled from the spot. The police seized the tempo and, upon search, recovered 32.62 kilograms of *ganja* from it. Upon further investigation, Accused Nos. 1 and 2 were apprehended and thereafter, on

the basis of their statements, the present Applicant was apprehended.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), Thane. However, by order dated 16th September 2025, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Taraq Sayed, learned counsel appearing for the Applicant, submits that the Applicant has been falsely implicated in the present case. He submits that the Applicant was arrested solely on the basis of the statement of the co-accused, which is inadmissible in the eyes of law. He further submits that the Applicant is not at all connected with the co-accused and that nothing has been recovered from him. According to him, the Applicant has no criminal antecedents. On these grounds, he prays that the Bail Application be allowed.

5. Per contra, Ms. Poonam Bhosale, learned APP appearing for the State, submits that the prosecution has filed a supplementary charge-sheet containing details of the Call Detail Records (CDRs) between the present Applicant and Accused Nos. 1 and 2. She has tendered the statement of CDRs, which is taken on record. She further submits that the CDRs reflect 440 calls exchanged over a period of six months between the present Applicant and the two co-accused, which, according to her, clearly indicates a conspiracy to commit the said offence. Although she fairly concedes that there are no antecedents against the present Applicant, she opposes the Bail Application.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the sole basis on which the present Applicant was apprehended is the statement of the co-accused recorded during investigation, which is not admissible in law. No specific role is attributed to the present Applicant. Nothing

has been recovered either from his person or from his premises. There are also no antecedents against the present Applicant. The Applicant was arrested on 24th April 2025 and it is not likely that the trial will conclude in the near future.

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 on first Monday

between 11:00 a.m. to 02:00 p.m. till the charges are framed;

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.

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)

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signed by
SHAMBHAVI
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