

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4190 OF 2025**

Varun Kamal Chandwani	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Taraq Sayed a/w Ashwinii Achari and Anish Pereira, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the Respondent - State.*
PI – Sandeep Nigade, ANC, Navi Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 25TH FEBRUARY 2026

PC:-

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), 23(a), 23(b), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**') and Sections 336(3), 33 and 240(2) of the Bharatiya Nyaya Sanhita, 2023 ('**BNS**').

2. The facts of the case in brief are that there are in all 26 accused. The Applicant is arraigned as Accused No.16. According to the prosecution, a drug trafficking racket was being run by 26 accused, wherein some of them are officials of the Coastal Department, some are from the Postal Department and others are suppliers and distributors of the contraband. On the statement of several co-accused, who are in custody, a search was conducted in the premises of the Applicant and his father, Kamal Chandwani, whereby 85.29 grams of Hydro Ganja was recovered from Alcazar car and 3.72 grams Hydro Ganja was recovered from Baleno car owned by the Applicant and his father. The Applicant and his father are the principal accused in the alleged offence. It is also contended that the Applicant visited the Post Office at Panvel to receive parcel containing Hydro Ganja by using a bogus Aadhar Card for delivery of the parcel. It is also alleged that he gave training to co-accused namely, Khushal Sherigar, of ordering Hydro Ganja. Pursuant to registration of the FIR the Applicant was arrested on 31st May, 2025.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Belapur. However, by order dated 31st October, 2025, the said application was rejected. Hence, the Applicant has filed the present Application for the relief as prayed.

4. Mr. Sayed, learned counsel for the Applicant, submits that this is a case of false implication. He submits that the Applicant was arrested only because he is the son of Kamal Chandwani, against whom there may be some material indicating his complicity in the offence. However, he submits that the statements of witnesses relied upon by the prosecution do not indicate any involvement of the Applicant in the alleged offence. The contraband seized from the car is of small quantity and the maximum punishment prescribed is that of one year. He further submits that the Applicant has already undergone incarceration since May, 2025, that the charges are not framed and hence, trial is not likely to conclude in the near foreseeable future. He further submits

that without there being any material against the Applicant, he cannot be made to suffer continued incarceration. Hence, he prays that the Applicant be enlarged on bail.

5. *Per contra*, Ms. Bajoria, learned APP, tendered the statements of witnesses, who have stated that the Applicant is involved in the alleged offence. One witness namely, Anil Sabne, who is engaged in real estate and social work, has stated against co-accused Kamal Chandwani. However, there is no direct involvement of the Applicant described in his statement, save and except to say that he was studying in USA for few years and was also involved in such activities abroad. Ms. Bajoria has also pointed to statement of one Guljar Singh Madan, a businessman, who has stated that the Chandwani father and son had taken him for dinner in hotel and had shown him a plastic box containing Hydro Ganja and offered to keep the same in his hotel for sale. Mr. Madan has also stated that Kamal Chandwani had informed him that he procured the said contraband from Thailand through Navin

Chichkar and Dhiraj Chichkar. She also pointed to a transactions that has taken place through the bank account of the present Applicant. These entries show that from 10th July, 2024 to 17th February, 2025, substantial amounts have been transferred from the account of the Applicant in the account of co-accused namely, Suraj Pathak and Bharat Singh, employed in Delhi Post Office to clear the parcels being imported from abroad. To this, Mr. Sayed interjects and places on record the order dated 20th November, 2024, passed by the High Court of Gujarat, wherein it is clearly mentioned that the Applicant was in custody from 4th June, 2024 till 20th November, 2024. Mr. Sayed thus submits that during the entire period of transactions sought to be relied upon by Ms. Bajoria, the Applicant was in custody of Gujarat Police. Ms. Bajoria, however, contests the bail application and prays that the same may be rejected.

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

7. Admittedly, the quantity of Hydro Ganja recovered from the present Applicant is of small quantity. Although, a case is sought to be made against the Applicant that the investigation has revealed the links of the Applicant to various operatives engaged in drug trade related activities, the statements on record, the bank transactions sought to be relied upon by Ms. Bajoria clearly indicate that it is not the Applicant who is complicity in the offence but usually it is father who is complicit in the offence. The Applicant is in custody since 31st May, 2025 and charges are not framed. Considering that there are 25 co-accused the trial is not likely to conclude in the near foreseeable future. The bank transactions of the Applicant appear to have been made by someone else and not the present Applicant.

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.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., till the charges are framed;
- iv) Since the Gujarat High Court vide its order dated 20th November, 2024, directed the Applicant not to leave the State of Gujarat without prior permission of the concerned Trial Court, the Applicant shall not leave the State of Gujarat without

permission of the concerned Trial Court. However, in the event the Applicant enters the State of Maharashtra after obtaining permission from the concerned Trial Court in Gujarat, he shall not enter the territorial jurisdiction of Navi Mumbai without prior permission of this Court;

v) If the Applicant has a passport, he shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) 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;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. The Bail 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)