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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4457 OF 2025**

Ketan Parshuram Kore ...Applicant
Versus
Union Of India _____...Respondent

Mr. Aabad Ponda, *Senior Advocate with Prasannan Namboodiri, Ayaz Khan, Pratibha Namboodiri, Rishabh Sinha, Pallavi Dabak and Nakshatra Mahadik, for the Applicant.*

Mr. Jitendra B. Mishra, *with Sangeeta Yadav (V/C) and Rupesh Dubey, for the Respondent-Union of India.*

CORAM DR. NEELA GOKHALE, J.
DATED: 16th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with NDPS Case No.1543/2025, pending before the Special Judge for NDPS, at Greater Mumbai, for the offences punishable under Sections 8(c) r/w 23(c), 26, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS') r/w Rule 53 and 58 of the NDPS Rules, 1985 made thereunder.

2. The facts of the case, in brief, are as under:-

i) On a specific intelligence received by the Commissioner of Customs (Export), Air Cargo Complex, Sahar, Mumbai, that an export consignment was carted for export by M/s. Naprod Life Sciences Pvt. Ltd., comprising a psychotropic substance namely 'Ketamine', without export authorisation / license / NOC of the Central Bureau of Narcotics, the consignment was traced and tracked in the Indian Customs Electronic Data Interchange System (ICES) on 24th January, 2025. On the directions of the Addl. Commissioner of Customs, an alert was invoked against M/s. Naprod and as directed, the said consignment was put on hold. The said consignment was being sent to M/s. Macro Customs Consultants LLP through the Customs Broker (CB).

ii) The officers of Special Intelligence and Investigation Branch ('SIIB') (Export), ACC, Mumbai, intercepted this consignment at the Mumbai International Airport. The same was examined under Panchanama dated 28th January, 2025,

and it was found that the consignment consisted of 25 brown coloured packages. Upon examination of the goods, it was found that there were about 5000 vials of Ketamine Injection BP of 500 mg/10 ml in the packages. The same is of commercial quantity.

iii) The allegation against the present Applicant is that, he being the authorized representative of the CB, M/s. Macro Customs Consultants LLP, was directly looking after the subject export consignment in Export Shed, ACC, Mumbai. The present Applicant was employed by M/s. Macro Customs Consultants LLP to act as their authorized representative. It is stated that the present Applicant misused the CARR void and re-filing process by voiding and re-filing of CARR of the said shipping bill despite no system error, to suppress the illegal shipment and destroy evidence. It is alleged that the Applicant, despite having knowledge that M/s. Naprod had no export authorization, he attempted to export the said consignment and failed to inform the Customs Authorities

regarding the absence of customs authorization to M/s. Naprod.

iv) Ketamine being a psychotropic substance under the NDPS Act, a no objection certificate / export authorisation from the Narcotics Commissioner is required to export the said substance. Admittedly, M/s. Naprod did not have any export authorisation certificate and hence, the goods were seized by the Custom authorities. The statutory provisions of the NDPS Act were complied. Summons were issued to M/s. Naprod. One Mr. Anil Pal, Assistant Manager (EXIM) co-accused appeared before the officials as a authorized representative of M/s. Naprod and recorded his voluntary statement under Section 67 of the NDPS Act r/w Section 108 of the Customs Act, 1962 on 29th January, 2025. Summons were also issued to the Applicant to appear before the authorities. The Applicant was arrested on 31st January 2025. The Applicant is stated to have filed successive bail applications before the Special Court (NDPS), Greater

Mumbai, however, both his bail applications were rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

3. Mr. Aabad Ponda, learned Senior Counsel for the Applicant, submits that the Applicant is a mere employee of M/s. Macro Customs Consultants LLP and he is an H-card holder of the said Company. He is the lowest rung employee in the said Company and was only given the task of receiving the consignments and facilitating the process of handing the said consignments over to the Customs. The consignment reached the clearance house at 3.59 pm in the afternoon. However, when the present Applicant realized that there was no export authorization, as required to export the said consignment, he informed his superiors in the Company in this regard and awaited instructions. Mr. Ponda, has also pointed to the statements of partners and seniors of the said Company, namely, Ritesh Narpat Thakur and Brijesh Radheshyam Pandey and Praveen Suresh Bagre. Mr. Ponda

has also referred to the statements of 3 officials of M/s. Macro Customs Consultants LLP wherein they have clearly accepted that the present Applicant informed them regarding absence of export authorization. Mr. Ponda, therefore, says that the Applicant has not committed any offence, least of all, the offence as alleged against the Applicant. He also referred to another statement of one, Mr. Edwin Camil Cyril Dsouza, who is working with MIAL as Deputy Manager since 2008. Mr. Dsouza stated to the Investigating Agency that the cargo arrival of the goods under the shipment was done on 25th January 2025 at 15.59 hours and that CB-M/s. Macro Customs Consultants LLP informed them on the same date at 21.41 hours and on their request, the consignment was made void. However, M/s. Macro Customs Consultants LLP re-filed CARR again on the same date at 21.52 hours. Mr. Ponda says that this re-filing was done only because there was an error in the earlier filing and the shipping date was not reflecting in the Customs data. He thus, submits that the Applicant has not committed the said offence and he be enlarged on bail.

4. *Per contra*, Mr. Jitendra Mishra, learned Senior Standing Counsel for the Union of India, tendered an affidavit in reply dated 22nd December 2025 affirmed by Mr. Amar Prakash, Deputy Commissioner of Customs, SIIB (Export). He has narrated the role of the present Applicant in the said Affidavit in Reply, which is consistent with that outlined in the complaint. He submits that allegations against the present Applicant are that, despite being aware that M/s. Naprod did not have any export authorization for the consignment of Ketamine Injections BP 500 mg/10 ml, the Applicant attempted to export the said consignment without the said export authorization. He submits that in fact, it was the Applicant, who asked one of their office staff to approach MIAL for CARR void and re-file CARR on the same date in a matter of few minutes and in fact, the said CARR was re-filed on 25th January 2025 at 21.52 hours. Mr. Mishra, submits that the Applicant ought to have informed the Customs regarding the act of M/s. Naprod in attempting to export the consignment without export authorization and having failed

to bring this to the notice of the Customs and also having attempted to re-file the shipping bill, the Applicant has committed the said offence as alleged. He also submits that 'back to town' direction has been created later and that does not reflect the true intention of the Applicant and the Co-accused.

5. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

6. I have perused the statements of senior officials of M/s. Macro Customs Consultants LLP namely, Ritesh Narpat Thakur and Brijesh Radheshyam Pandey and Praveen Bagre, who have clearly stated that the present Applicant, their employee, an H-Card Holder, had informed them regarding absence of export authorization of M/s. Naprod for the said consignment at 8.00 pm., when he realized that there was no export authorization, which was mandatory. Although the said officials have stated that it is Mr. Ketan Parshuram Kore, i.e.,

the Applicant herein, who generally handled the shipments at export, it appears from their statements that immediately after becoming aware of the absence of an export authorization, the present Applicant communicated to the senior officials regarding the same. It does appear that he has attempted to re-file the shipping bill, once making it void because of the absence of export authorization, however, the intent of the present Applicant is something, which has to be determined by the Trial Court during the course of the trial. The Applicant is in custody for the past one year and the charge-sheet is filed. He is the lowest rung employee of M/s. Macro Customs Consultants LLP and his continued incarceration will serve no purpose. It is also submitted that the charges are not framed as yet in the present criminal case. Similarly, Mr. Mohan Babulal Jain, director of M/s. Naprod has also been granted bail by the order passed by this Court dated 18th November 2025, *albeit* the reasons for granting him bail are quite distinct and the role of Mr. Jain is also distinct from that of the present Applicant. In any case, as aforesaid, no purpose will

be served by continued incarceration of the Applicant. The offence relates to the absence of export authorization for the purpose of exporting a consignment requiring the said authorization. Admittedly there are no antecedents against the Applicant and there is no apprehension expressed by the Respondent investigation agency that he is likely to tamper with the evidence or intimidate any witness, if enlarged on bail.

7. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered as order:-

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 Customs Office SIIB (Export), Air Cargo Complex, Andheri (East) on first Friday of every month between 10:00 a.m.

and 12:00 p.m., till the charges are framed by the Trial Court;

iii) 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;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same Customs Office SIIB (Export) Air Cargo Complex, Andheri (East);

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 Customs Office SIIB (Export) Air Cargo Complex, Andheri (East);

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

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)