

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4554 OF 2025**

Santosh Vasant Potnis	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Anil Lalla *a/w Rushil A. and Yash Pulekar, for the Applicant.*
Ms. Anuja S. Gotad, *APP for the State-Respondent.*
PI – Digamber Patil, *ANC Ghatkopar Unit, Mumbai, is present.*

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

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No.53 of 2024 dated 11th September 2024 registered with the ANC Ghatkopar Unit for the offences punishable under Sections 8(c), 22(b) and 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances, Act 1985 (“NDPS Act”).

2. The facts of the case, in brief, are that there are in all four accused. All the accused were working in a factory

owned by one Sudhir Dattaray Sawant. The present Applicant had worked in the said factory from 2009 to 2012. While the officials of the ANC Ghatkopar Unit were on patrolling duty, they found Accused No.1, Kailash Shinde, and Accused No.2, Nihal Singh at Mankhurd. After following the due procedure of the NDPS Act, a searched was conducted. A white plastic zip lock bag was recovered from Nihal Singh and a black-coloured plastic bag was recovered from Kailash Shinde. 27 grams of Mephedrone was recovered from Kailash Shinde and 79 grams was recovered from Nihal Singh.

3. On their interrogation, the involvement of Accused No.3, Gaurav Singh, was revealed. Gaurav Singh led the police to the factory premises, from which 62 grams of Mephedrone was recovered. On interrogation, it was revealed that the present Applicant who is a Chemical Engineer was paying the rent for the said factory premises for some time. Another accused, Chandan Singh, is stated to be absconding. It is alleged by the prosecution that there is a leave and

licence agreement between Gaurav Singh and the owner of the factory, Dayashankar Vishwakarma. It is also alleged that the present Applicant was paying some amount towards the rent of the said factory premises for some time. Hence, the Applicant was arrested on 15th September 2024.

4. The Applicant made an application seeking bail before the NDPS Special Judge, City Civil and Sessions Court, Greater Bombay. However, by order dated 20th September 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Anil Lalla, learned counsel for the Applicant, submits that there is no recovery made from the present Applicant and that he is neither the owner nor the licensee of the factory premises alleged to have been used to manufacture the Mephedrone. He also submits that the Applicant is neither a beneficiary nor is found to be indulging in trafficking of drugs. He submits that there is no material to indicate his complicity in the crime. The Applicant was arrested on 15th September

2024 and charges are not yet framed. Hence, it is not likely that the trial will conclude in the near foreseeable future. In these circumstances, he prays that the Applicant be released on bail.

6. Ms. Anuja Gotad, learned APP, submits that the statement of Gaurav Singh clearly reveals the involvement of the present Applicant. She submits that although the leave and licence agreement pertaining to the factory premises was not in the name of the present Applicant, it is very clear from the statements of the witnesses that some amounts were being contributed by the Applicant towards the rent of the factory premises. She also pointed to bank transactions between the Applicant and Gaurav Singh and Chandan Singh. She submits that although no contraband was recovered from the possession of the Applicant, he is seriously involved in the offence as he is a Chemical Engineer and is supplying the wherewithal to manufacture the said drugs and secondly, he has also contributed in monetary terms towards the

manufacture and dealership of the said drugs. She thus submits that the Bail Application be rejected.

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

8. Although there is ample material in the charge-sheet to indicate monetary transactions between the Applicant and the co-accused, Gaurav Singh and the absconding accused, Chandan Singh, the Apex Court, in a series of judgments relied upon by the Applicant, has held that only on the basis of monetary transactions, rejection of bail is not justified. There is no other material, save and except the financial transactions between the Applicant and other accused to indicate his complicity in the present offence. The Applicant was arrested on 15th September 2024 and has suffered incarceration for a period of almost one and half years. The charges are not yet framed and there are no antecedents pertaining to the present Applicant. Hence, there are *prima*

facie reasons to believe that the Applicant may not have committed the said offence.

9. In these circumstances, I am inclined to enlarge the Applicant on bail and it is 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. 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.

iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

iv) The Applicant shall not leave India, without permission of the trial Court;

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 concerned Police Station;

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

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

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

11. 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)