

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4625 OF 2025

Kamleshwar Prasad Mishra	...Applicant
<i>Versus</i>	
Union Of India And Anr.	...Respondents

Ms. Zehra Charania, with Ayaz Khan, Dilip Mishra and Mallika Sharma, for the Applicant.
Ms. Manisha Jagtap, SPP for the Respondent No.1-Union of India.
Mr. S. S. Ghag, for the Respondent No.2

CORAM: R. M. JOSHI, J.
DATED: 20th APRIL, 2026.

PC:-

1. The Applicant seeks bail in connection with NDPS Special Case No. 1370 of 2025, arising out of File No. NCB/MZU/CR-03/2025 dated 8th January, 2025, registered with the Narcotics Control Bureau ('NCB'), Mumbai Zonal Unit, for the offences punishable under Sections 8(c) read with Sections 22(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. In short, it is the case of the prosecution against the present Applicant, who is the production manager of the Unit manufacturing licensed drugs. The allegation against the Applicant and the Co-accused, who is the managing director of the said

company, is that, there is supply of the said drugs to the entities having no licenses.

3. Learned counsel for the Applicant submits that first of all, the Applicant is entitled for bail on the ground of parity in view of the fact that managing director has granted bail by this Court by order dated 3rd February 2026 passed in Criminal Bail Application No. 4033 of 2025. She further submits that the documents on the face of it do not support the case of the prosecution. In this regard, reference is made to the documents indicating the license of Priyanka Medical to be valid upto 31st December 2024 and RNG Life Biotech India having similar license upto October 2024. It is pointed that the purchase orders were placed much prior to the said dates. Thus, it is argued that this is not the case wherein there is any violation of the provisions of the NDPS Act.

4. The learned Special Public Prosecutor opposes the Bail Application by citing seriousness of the crime. It is sought to be argued that the managing director had no responsibility to verify the licenses of the purchasers and hence, bail came to be granted to him. In the present case, since the Applicant is production manager, according to her, it is the responsibility of the Applicant to verify the fact about the existence of the licenses of the companies at the time of dispatch of the product.

5. Apart from the fact that the managing director of the company is enlarged on bail, *prima-facie*, perusal of the record indicates both the entities to whom the dispatch of the drugs had been made, were having licenses at the relevant time. As such, this Court finds substance in the contention of the learned counsel for

the Applicant that the provisions of the NDPS Act may not get attracted to the present Applicant. Hence, following order:-

ORDER

(i) The Bail Application stands allowed in connection with NDPS Special Case No. 1370 of 2025, arising out of File No. NCB/MZU/CR-03/2025 dated 8th January, 2025, registered with the Narcotics Control Bureau ('NCB'), Mumbai Zonal Unit;

(ii) The Applicant be released on bail on furnishing P. R. Bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

6. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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