

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3574 OF 2025

Jamir Kambal Irani	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Anuj Gaikar a/w. Mr. D. R. Shinde and Mr. Siddheshwar N. Biradar, for the Applicant.
Ms. G. P. Mulekar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 29th JANUARY 2026

PC:-

1. Heard Mr. Gaikar, learned Counsel appearing for the Applicant and Ms. Mulekar, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.66 of 2024 registered with Khadki Police Station, Pune, for the offences punishable under Sections 8(c) and 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“the NDPS Act”).

3. The prosecution case is set out in paragraph No.3 of the Anticipatory Bail Application, which reads as under:

“3) That the case of the prosecution is as under-

i) That, the alleged case of the prosecution is that, on 08.02.2024, somewhere around 17:30 pm, the Respondents received information of sale of narcotic contraband Ganja and accordingly, the Senior Inspector of Police was informed on call about the said information and accordingly, the Senior Inspector along with a female police inspector reached the spot. That, accordingly, two panchas were arranged and explained the procedure.

ii) That, somewhere around 09.10 pm., the Respondents spotted two suspicious women and two suspicious men carrying plastic bags and they apprehended two women accordingly. However, the men were allegedly able to take advantage of the night and ran away. That, the women were enquired about the plastic bags, and they informed the police officials that the said contained ganja. The said women identified themselves as Mrs. Zainab Irani and Mrs. Mohsina Irani. That, they were allegedly apprised of their right being searched under section 50 of the Act which they waived. That, they were searched and the same led to recovery of 2 kgs and 300 gms of Ganja from Mrs. Zainab Irani and 2 kgs and 600 gms of Ganja were recovered from Mrs. Mohsina Irani.

iii) Further, enquiry was conducted from the accused regarding the men who has fled the spot and the accused informed the respondents that the said people were Mr. Jamir Irani, allegedly the present Applicant and Mr. Javed Irani.”

4. Mr. Gaikar, learned Counsel appearing for the Applicant submits that the Applicant is not involved in the crime. He was not present when the incident in question took place. The quantity involved is not commercial quantity. He submits that although there are six antecedents against the Applicant, none of the antecedent is under the NDPS Act. He therefore, submits that the pre-arrest bail be granted to the Applicant.

5. Ms. Mulekar, learned APP submits that the Applicant ran away from the spot of the incident and he is absconding. She submits that the Applicant and the co-accused are relatives. The contraband-Ganja which is found is 4 kgs and 900 gms., which is intermediate quantity. She submits that there are six antecedents against the Applicant and therefore, the Anticipatory Bail Application be rejected.

6. Perusal of the record shows that the quantity involved is 4 kgs and 900 gms. Ganja and which is intermediate quantity. The Applicant and co-accused are close relatives. In fact, the Applicant's sister is co-accused. There is material on record to show that the Applicant was present at the scene of the crime and he ran

away. The Applicant is absconding. The Supreme Court in the case of *Lavesh vs. State (NCT of Delhi)*¹ has stated that the extraordinary relief of pre-arrest bail be not grant to the accused who are absconding or not available for the investigation. The offence is under the NDPS Act. In the facts and circumstances, it cannot be said that twin conditions as imposed by Section 37 of the NDPS Act are complied with. The Applicant has six antecedents. Although it is correct that the antecedents are not under the NDPS Act, however, the offences involved in the antecedents are also very serious including under Section 307 of the Indian Penal Code, 1860.

7. Accordingly no case is made out for grant of Anticipatory Bail.

8. The Anticipatory Bail Application is dismissed.

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[MADHAV J. JAMDAR, J.]

1 (2012) 8 SCC 730