

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.322 OF 2026**

Anil Kumar H Pal	...Applicant
<i>Versus</i>	
Union of India and Anr.	...Respondents

Mr. Aabad Ponda a/w Prasannan Namboodiri, Ayaz Khan, Pratibha Namboodiri, Rishabh Sinha and Nakshatra Mahadik, *for the Applicant.*

Mr. Jitendra Mishra a/w Sangeeta Yadav, Rupesh Dubey and Umesh Gupta, *for the Respondent No.1.*

Ms. Poonam P. Bhosale, *APP for the Respondent No.2 - State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 24TH FEBRUARY 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) An Application dated 27th January, 2025, was moved by an employee of the CB - M/s. Macro Customs Consultants LLP to the SIIB officers seeking a direction to cart the consignment Back to Town (BTT). The Application was put on hold by the Custom authorities on 28th January, 2025. The reason given in the Application was that due to delay in flight schedule, the booked flight was canceled and the next flight being available only in the following week, it was not desirable to keep the Cargo in the custody of the

Custom officers and to avoid the demurrage charges, it was decided to take the Cargo back to town to await the next flight.

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.

v) The Applicant herein namely Mr. Anil Pal, Assistant Manager (EXIM) 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. The Applicant in his statement recorded that he was responsible for the export

clearance work in customs and that he did not take approval from his seniors but filed shipping bills as per the order received from the marketing team. From his statements, it transpired that Applicant was aware that the Ketamine injection is a psychotropic substance and requires export authorisation to be exported. The Applicant was thus arrested on 31st January, 2025 after providing him with grounds of arrest, the reasons of arrest and the arrest memo. He was produced before the Special Court and remanded to judicial custody from time to time.

vi) The Applicant made successive applications seeking bail before the Sessions Court. However, both the application were rejected. He also filed an application seeking bail before the High Court. However, he withdrew the same as the charge-sheet came to be filed in the meantime. This is a second bail application filed by the Applicant before this Court.

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

4. At the outset, Mr. Ponda, learned Senior Counsel for the Applicant, placed on record judgment dated 18th November, 2025 passed in the matter of Mohan Babulal Jain v. Union of India and order dated 16th January, 2026 passed in the matter of Ketan Parshuram Kore v. Union of India, enlarging the co-accused on bail.

5. Although Mr. Mishra has sought to raise a distinction between the roles attributed to the co-accused who have been enlarged on bail, it is an admitted fact that M/s Naprod has now received the export authorisation. The Applicant is in custody since 31st January, 2025 and has undergone incarceration for more than one year without the charges being framed. The co-accused have already been enlarged on bail. In these circumstances, no purpose would be served by continuing incarceration of the Applicant.

6. 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.1,00,000/- with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.1,00,000/- for his release immediately and file undertaking that he will provide one or two local sureties in the like amount of Rs.1,00,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Customs (SIIB Branch), on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed by the Trial Court. 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 with the Customs (SIIB Branch) 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 (SIIB Branch);

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

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

7. The Bail Application is allowed in the above terms and is accordingly disposed of.

8. 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)