

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 370 OF 2026**

Harshad Dwarkanath Thorat ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr. Vishal M. Deshmukh, *with Anil Wagh and Mayur Pawar,
for the Applicant.*

Mr. Mayur S. Sonavane, *APP for the State-Respondent.*

Mr. Vinayak Kesarkar, *PSI attached to Palghar Police Station,
Palghar, present.*

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

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 163 of 2025 dated 6th June 2025 registered with the Palghar Police Station, Palghar for the offences punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, is that on 5th June 2025, at around 23.00 hours, police officials of Palghar Police Station were on patrolling duty and noticed two persons loitering in suspicious circumstances near Ambedkar Maidan. Their behaviour attracted the attention of the police and, therefore, after following due process and complying with the provisions of the NDPS Act, both persons were apprehended. One of them was the present Applicant. Upon conducting their personal search, after issuing notice under Section 50 of the NDPS Act, 123 grams of cocaine was recovered from the co-accused, while no recovery was made from the present Applicant. Pursuant to the registration of the FIR, both accused were arrested on 6th June 2025. It appears that two other accused are absconding.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Palghar. However, by order dated 22nd December 2025, his bail application came to be

rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Vishal Deshmukh, learned counsel appearing for the Applicant, submits that no recovery was made from the person of the Applicant *albeit* 123 grams of cocaine was recovered from the Co-accused. According to Mr. Deshmukh, the present Applicant has no connection with the alleged offence. He further submits that there are no antecedents against the Applicant. The Applicant has been in custody since June 2025 and charges have not yet been framed. On these grounds, he prays that the Applicant be released on bail.

5. *Per contra*, Mr. Mayur Sonavane, learned APP representing the State in the matter, on instructions from the Investigating Officer, submits that there are no antecedents as against the present Applicant and that no recovery was made from his person. However, 123 grams of cocaine was recovered from the person with whom the Applicant was found standing. On this basis, he opposes the Bail Application.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. *Prima facie*, there appears to be no reason to believe that the present Applicant is complicit in the said offence. Considering further that there are no antecedents against the Applicant, 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.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month on first Monday

between 11:00 a.m. to 02:00 p.m. till the charges are framed;

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

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;

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

ix) 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 learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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