

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.443 OF 2026

Manoj Umesh Nayak

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Veerdhaval Kakade, for the Applicant.

Ms. Megha S. Bajoria, APP for the Respondent - State.

WPSI – Kalpana Mashere, Unit – 6, Crime Branch, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 05TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 545 of 2024 dated 26th October, 2024 registered with the Tilak Nagar Police Station, for the offences punishable under Sections 8(c), 20(b)(ii), 20(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**').

2. The case of the prosecution is that the officials of the Crime Branch, Mumbai Unit – 6, were carrying out special drive in order to search for the persons doing illegal activities

or carrying narcotic substances. During the said drive, on 26th October, 2024, at around 06:30 p.m. the police came across the Applicant and the co-accused persons lurking suspiciously carrying two traveling bags, a shoulder bag and a sack bag outside the Lokmanya Tilak Terminus near outer Pipeline Road, in front of Nana Nani Garden. After following the due procedure prescribed under the NDPS Act, the Applicant and the co-accused were searched. Upon search of the Applicant, 21.1 Kgs. of Ganja was recovered from two bags. The contraband was seized. Pursuant to registration of the FIR the Applicant and co-accused were arrested on 26th October, 2024.

3. Mr. Kakde, learned counsel for the Applicant, submits that the quantity of Ganja i.e., 21.1 Kgs., recovered from the Applicant, is inclusive of leaves and stalks and hence, the Ganja recovered would be below commercial quantity. He submits that there is a discrepancy in the weight of contraband seized and the contraband produced during the Inventory Panchanama. The Applicant was arrested on 26th

October, 2024, and till date charges are not framed. In these circumstances, he prays that the Applicant be enlarged on bail.

4. Ms. Bajoria, learned APP representing the State, submits that the contraband recovered and seized from the Applicant is of commercial quantity. She further submits that all the compliances under the NDPS Act have been followed. She submits that the photographs of the contraband were also found in mobile phone of the Applicant. That the Applicant is not a resident of Maharashtra and at the time of apprehension, he was leaving Mumbai. In these circumstances, she prays that the Bail Application of the Applicant be rejected.

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

6. Admittedly, the quantity of Ganja is only 21.1 Kgs. Although the quantity as noted in the search and seizure is of commercial quantity, the CA Report also mentions flowering / fruiting tops with greenish leaves and stalks in the samples. The weight of the contraband is with the sack as well as the flowering / fruiting tops with greenish leaves and stalks. In these circumstances, it is probable that the quantity of Ganja recovered may be below the commercial quantity. The Applicant was arrested on 26th October, 2024 and has suffered incarceration for 1 year and 3 months without charges being framed. Considering the long incarceration of the Applicant and the facts of the case as delineated herein above, 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 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 the State of Maharashtra, without the permission of the Trial Court;

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

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

viii) 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;

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

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

7. 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)