

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

BAIL APPLICATION NO. 619 OF 2026

Kamtadev Umanath Pandey ..Applicant

Versus

Union of India & Anr. ...Respondents

Mr. Dilip Mishra a/w Ayaz Khan, Zehra Charania & Ms.
Mallika Sharma, for the Applicant.

Smt. Manisha Jagtap, for the Respondent No. 1 – NCB.

Mr. P P Malshe, APP for Respondent – State.

CORAM: N. J. JAMADAR, J.

DATE : 05th MARCH 2026

Oral Order:

1. Heard the learned Counsel for the parties.
2. This is an application for bail in the crime vide F. No. NCB/MZU/CR-48/2022 for the offences punishable under Sections 8(c) r/w 21(c), 22(c), 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. This is a second application for bail. The first application was rejected by this Court by a reasoned order dated 29th January, 2025.
4. The applicant has preferred this application as subsequent to the said order dated 29th January, 2025, by an order passed in Criminal Application No. 1656/2024 dated 10th March, 2025, a Co-ordinate Bench of this Court has deferred

the hearing of the trial in Special Case No. 602/2023. Thereafter, by an order dated 02nd February, 2026, another Coordinate Bench of this Court has released the co-accused namely, Sana Zahir Qureshi and Zahir Ahmed Qureshi on bail noting the aforesaid development.

5. An affidavit-in-reply has been filed on behalf of the respondents.

6. The learned Counsel for the applicant submitted that, the applicant is entitled to be enlarged on bail on parity of reasons recorded in the order dated 02nd February 2026 in Bail Application No. 38/2024.

7. The learned Special P. P. resisted the application on the merits of the matter, yet, fairly submitted that, the aforesaid developments have taken place in the intervening period.

8. In fact, the Court finds that, the affidavit-in-reply filed on behalf of the prosecution, the copies of the charge framed against the said accused at various point of time are annexed. It appears on 29th December, 2023 the charge was framed against two of the accused, namely, Sana Qureshi and Zahir Qureshi. Subsequently, on 03rd May 2024 charge has been again framed against the said two accused, and five more accused. On 03rd May, 2024 again charge was framed against Accused No. 3 Ram

Singh and Accused No. 4 Deepu. On 10th June, 2024, again charge was framed against Accused No. 5 Kamtadev/the applicant herein and Accused Nos. 6 and 7, against whom the charge had already been framed on 03rd May, 2024. *Prima facie*, the irregularity in framing of the charge against the accused is evident. In this backdrop, the Co-ordinate Bench directed the Special Judge to defer the hearing of the trial in Special Case No. 602/2023. Undoubtedly, the legality, regularity and correctness of the procedure adopted by the learned Special Judge, would be required to be examined in Criminal Application No. 1656/2024.

9. Nonetheless, the facts remains that taking note of the aforesaid developments, a Co-ordinate Bench of this Court by an order dated 02nd February 2026 has enlarged the co-accused on bail. The observations in Para No. 8 of the said order read as under:

“8. A clear reading of the order dated 10th March 2025 passed by the Co-ordinate bench of this Court in Criminal Application No. 1656 of 2024 indicates that this Court on being satisfied with the arguments advanced by the learned counsel for the Applicants, was pleased to defer the hearing of the trial till the next date. This interim order is continued till date. It appears that there are some discrepancies and unexplained procedure, which have been followed before the Trial court. In this context, this Court was

pleased to direct the Trial court to defer the trial. Thus, there is reason to believe that the Applicants prima facie have not committed the said offence. Further, the Applicants are in jail since 10th December 2022 till date.”

10. The applicant has been in custody since 12th December 2022. In view of the aforesaid developments, it is very unlikely that, the trial can be concluded in a reasonable time. Since the applicant has been in custody for more than three years and for parity of reasons, which weighed with this Court in enlarging the co-accused Sana Qureshi and Zahir Qureshi on bail, the applicant also deserves to be released on bail.

11. Hence the following order:-

:: O R D E R ::

- i) The applicant be released on bail in crime vide F. No. NCB/MZU/CR-48/2022 for the offences punishable under Sections 8(c) r/w 21(c), 22(c), 27A, 28 and 29 of the NDPS Act, 1985, on executing PR Bond in the sum of Rs.50,000/- each with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court on each and every date unless exempted by the orders of the Trial Court;

iii) The applicant shall also attend the Narcotics Control Bureau (NCB), Mumbai on first Monday between 11:00 a.m. to 02:00 p.m., every alternate month;

iv) If the applicant has not deposited his passport, if any, the applicant shall deposit the same with the Narcotics Control Bureau (NCB), Mumbai;

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 Narcotics Control Bureau (NCB), Mumbai;

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

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

12. The Application stands allowed in the above terms.

13. It is made clear that the observations made hereinabove are confined to decide this Application and the learned Trial Judge shall decide the case on its own merits, uninfluenced by the observations made hereinabove.

[N. J. JAMADAR, J.]