

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.657 OF 2026**

Yogesh Andresh Amolik

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Amol M Thombre a/w Vishal S. Sarode, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the Respondent - State.*
PI – Abhijit Ahirkar, ANC Ghatkopar Unit, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 17TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 22 of 2025 dated 13th March, 2025 registered with the ANC, Ghatkopar Unit, for the offences punishable under Sections 8(c) read with Section 20(c) of the Narcotic Drug and Psychotropic Substances Act, 1985 (for short '**NDPS**'). The Applicant is the sole Accused.

2. The brief facts of the case are that while the police officials of ANC, Ghatkopar Unit were on patrolling duty, they found the Applicant lurking in suspicious circumstances. After following the due procedure prescribed under the NDPS Act, they apprehended and searched the Applicant. Upon search, 1 Kg 10 grams of Charas was recovered from the possession of the Applicant. The Applicant was arrested on 13th March, 2025, pursuant to registration of the FIR.

3. The Applicant made an application seeking bail before the NDPS Special Judge, City Civil & Sessions Court, Greater Bombay. However, by order dated 8th December, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Thombre, learned counsel for the Applicant, submits that this is a case of false implication. He further submits that the police officials failed to investigate the source of the contraband. He further submits that the weight of the contraband is weighed along with the zip-lock bag which

contained the contraband. Hence, excessive 10 grams is the weight of the container zip-lock bag. In these circumstances the Charas recovered would be of intermediate quantity. He submits that the Applicant is in custody for almost one year without the charges being framed. He thus, prays that the Applicant be enlarged on bail.

5. Ms. Bajoria, learned APP representing the State, contests the Bail Application. She submits that this is a serious case, wherein commercial quantity of Charas was recovered from the present Applicant. She thus submits that the rigors of Section 37 would apply. She submits that the maximum sentence prescribed is 10 years even if it is taken that the Applicant possessed only intermediate quantity. She submits the FSL report has come positive for Charas. In these circumstances, she prays that the Bail Application be rejected.

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

7. Admittedly, there are as many as four antecedents against the present Applicant. However, Mr. Thombre, submits and it is confirmed by Ms. Bajoria that out of the four antecedents, three are related to offences of theft, which have been settled by him with the complainants and in one offence, the Applicant has been acquitted. Hence, as on date, there is no case pending against the present Applicant. Insofar as present case is concerned, he is found to be in possession of 10 grams in excess of commercial quantity of Charas. Admittedly, the weight of two plastic bags which contained the contraband is approximately 34 grams as depicted in the Inventory Panchanama. Considering that the Applicant is in custody for almost one year without the charges being framed, 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 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. The Bail 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)