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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1242 OF 2026
IN
CRIMINAL BAIL APPLICATION NO.4295 OF 2025

Uday Sunil Gavande

...Applicant

V/s.

Narcotics Control Bureau & Anr.

..Respondents

Mr.Ravi L. Gurnani with Mr.S.S. Bijlani, Mr.Ayaz Khan,
Adv.Zehra Charania, Adv.Mallika Sharma and Adv.Jeet Bijlani
for the Applicant.

Mr.S.K. Halwasia, SPP with Smt.S.S. Halwasia and Keshav
Thakkar for Respondent No.1 – Union of India.

Ms.S.K. Gajare, APP for the State – Respondent.

CORAM : R.M. JOSHI, J.
DATE : 20TH APRIL, 2026.

P.C. :-

1. This application is for continuation of the interim relief granted to the Applicant by an order dated 10th February 2026.
2. A perusal of the order dated 10th February, 2026 indicates that the bail was sought by the Applicant with the submission that the Applicant will require some time to make

arrangement for his mother. Considering the sickness of the mother of the Applicant as she was diagnosed with a psychotic disorder, this Court found it appropriate to pass the order granting interim bail for two months to the Applicant.

3. It is for the Applicant now to point out as to what steps he took in order to make arrangement for his mother. Learned counsel for the Applicant submits that the Applicant's father-in-law, who is now deceased used to take care of the family. It is his submission that though the father of the Applicant is alive, he resides at the native place and he will not be in a position to manage the sickness of his wife. It is submitted that in the interest of justice, time be extended.

4. Learned SPP opposed the application by pointing out out the serious nature of the crime alleged against the Applicant. He drew attention of the Court to number of judgments dealing with the issue in respect of grant of temporary bail on medical ground.

5. At the outset, it needs to be recorded that the Applicant has not been granted bail on account of his medical condition.

From the submissions made and as they are recorded in the order dated 10th February, 2026, clearly indicate that the Applicant wanted time to make arrangement for taking care of his sick mother. Irrespective of the fact that serious offences are attributed against the Applicant, on humanitarian ground it seems that the bail was granted for a period of two months.

6. Once the bail is not granted on merit, it is absolutely necessary for the Applicant to satisfy this Court as to steps which he took during this period for taking care of his mother. There is no material on record to indicate so.

7. If such request without any justification is accepted, the arrested person for serious crime would have to be released on bail on account of sickness of their relatives. This is not contemplated by law. Undeniably Applicant is said to have been involved in serious crime under N.D.P.S. Act. Unless twin conditions of Section 37 are satisfied, no Court would be in a position to grant bail to the Accused. When temporary bail is granted on specific contentions of Applicant and for certain period, it becomes mandatory that the condition is complied

with. The person charged with serious crime and otherwise would not be entitled to bail as of right, cannot be allowed to extend his bail without justification. In the facts of the case, since the Applicant has failed to justify any extension of the order, the Application stands dismissed.

8. Learned counsel for Applicant seeks time for surrender of Applicant. In the facts of the case, request for time to surrender stands rejected.

9. Place the Bail Application No.4295 of 2025 on board on 12th June, 2026.

(R.M. JOSHI, J.)