

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1621 OF 2025

Chandra Mani Matamani Tiwari

Applicant

.. (Accused No. 5)

Versus

State of Maharashtra

.. Respondent

WITH

BAIL APPLICATION NO. 1779 OF 2025

Kamal Jayramdas Jeswani

Applicant

.. (Accused No. 1)

Versus

State of Maharashtra

.. Respondent

WITH

BAIL APPLICATION NO. 2738 OF 2026

Mateen Babu Shaikh

Applicant

.. (Accused No. 2)

Versus

State of Maharashtra

.. Respondent

WITH

BAIL APPLICATION NO. 4352 OF 2025

Devraj Mallikarjun Gadkar

Applicant

.. (Accused No. 4)

Versus

State of Maharashtra

.. Respondent

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- Mr. Ashok Mundargi, Senior Advocate a/w Mr. Mithilesh Mishra, Ms. Namasvi Bhanushali, Mr. Hrituraj Singh, Mr. Roshan Balsara and Dnyaneshwari Hadawale i/by Agastya Desai, Advocates for Applicant in BA 1621/25
- Mr. Anil Lala a/w Mr. Yash Pulekar i/by Mr. Aditya Targe & Ms. Sneha Sanap, Advocates for Applicant in BA 1779/25
- Mr. Kunal Aher a/w Gaurish Satpure, Advocates for Applicant in BA 2738/26

- Mr. Taraq Sayed a/w Ms. Ashwini Achari & Anish Pereira, Advocates for Applicant in BA 4352/25
- Ms. Anuja A. Gotad, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 7, 2026

P. C.:

1. Heard Mr. Mundargi, learned Senior Advocate for Applicant in BA 1621/25; Mr. Lala, learned Advocate for Applicant in BA 1779/25; Mr. Aher, learned Advocate for Applicant in BA 2738/26; Mr. Sayed, learned Advocate for Applicant in BA 4352/25 & Ms. Gotad, learned APP for State.

2. This group of four Bail Applications are in respect of accused Nos. 1, 2, 4 & 5. All these Applications are filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No. 364 of 2023 registered with Khopoli Police Station, Raigad for the offences punishable under Sections 8(c), 22(c), 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). Due to commonality of facts, they are heard together.

3. The case of the prosecution stems from the fact that company called Vighnaharta Logistics belonging to accused No. 1 used to manufacture contraband products and therefore on receipt of secret information, they raided the premises and found certain contraband

stored therein. Initially, the said contraband was described as MD; however, on examination, it turned out to be Ketamine. Both are contraband substances otherwise according to the prosecution.

4. The case of the prosecution *qua* accused No. 1 is that he has been instrumental in manufacturing the contraband substances with the aid and assistance of the other co-accused persons who have been arranging the raw material required for manufacture of the alleged contraband. Accused No. 1's case is, in fact, to the contrary. He would submit that there is substantial material placed on record in the form of CDRs where the investigating officers have been in contact with him and pressurizing him and it is only on the accused No. 1 not succumbing to pressure, the present case has been foisted under the NDPS Act. He has argued non-compliance of the provisions of Section 42(1) of the NDPS Act as also 42(2) wherein the name of the accused No. 1 only appears in the final report prepared under Section 42(2), whereas it has not been mentioned in any of the information that has been received by the prosecution otherwise prior thereto. Accused Number 1 has no antecedents either. He is a business man carrying out import and export.

5. Learned APP has referred to and relied upon witness statements. In all, there are four witness statements recorded by prosecution to indict the accused in the present case. The learned Advocates have

also taken me through the witness statements. In so far as accused No. 1 is concerned, witness statements appended at page 171 and 173 are heavily relied upon by Ms. Gotad to contend that he had transferred certain amounts to co-accused persons and those amounts are reflected in these statements and those amounts pertain to manufacture of contraband substances, as stated in the witness statements.

6. I have perused the said witness statements with the able assistance of Ms. Gotad. *Prima facie*, I find that the witness statements refer to and relate to the business relationship between Vighnaharta Logistics Company which is the firm of accused No. 1 in importing and exporting chemicals and manufactured chemicals. In the process of manufacturing chemicals, the said witness statements record the factory setup of accused No. 1 which is *prima facie* seen to be an expensive factory setup for the purpose of manufacturing chemicals and final products for the purpose of import and export as also the orders placed and received on the basis of invoices.

7. The material in the form of witness statements *prima facie* does not make me *prima facie* believe that the prosecution has come out with a watertight case to indict accused No. 1 at this stage at the threshold. Needless to state that complicity of accused No. 1 shall be

otherwise proved at trial by the prosecution, and all their contentions are kept open.

8. *Qua* the other accused, in so far as accused No. 2 is concerned, the learned Advocate appearing for him would submit that he is the manager of the firm of accused No. 1 which was also functioning in the name of Aanchal Chemicals and he had been working merely as a manager and therefore, he had no direct role or nexus to play whatsoever in the trading neither it is shown or evident *prima facie*. What is true for the goose is true for the gander, and therefore, in so far as indictment of accused No. 2 is concerned, he would also have to be given the benefit of doubt at the preliminary stage for grant of bail, since he was working as a manager in the firm of the accused No. 1 overlooking the operations and there is nothing incriminating placed on record to indict him by the prosecution.

9. In so far as accused No. 4 is concerned, the learned Advocate has argued that he has been indicted on the basis of a witness statement to be an intermediary, and in the past having negotiated export consignments between the Custom House Clearing Agent (CHA) and accused No. 3. That apart, it is argued and contended that there is nothing placed on record which shows incriminating role of the accused No. 4 *qua* the present alleged crime in question.

10. In so far as accused No. 5 is concerned, learned Senior Advocate has persuaded me to consider that save and except the witness statement appended at page 172, there is nothing incriminating shown in so far as the role of accused No. 5 is concerned. He would submit that accused No. 5, otherwise speaking, happens to be a commission agent and has dabbled in various commission-oriented businesses at times.

11. What is intriguing is the fact that what is recovered from the godown of one of the witness Mr. Thorat where accused No. 5 used to store his goods was due to be delivered to accused No. 1 on the basis of various orders and transactions which are emanating from the witness statements at page 172 and 173. It is seen that these goods are not contraband even according to prosecution. It is alleged that they would have been used for preparing contraband substances as raw material. However these goods and chemicals have not been forensically examined, and no CA report has been made available to show that the chemicals were ultimately used in manufacture of any final contraband substance whatsoever. That not having been done, merely on the basis of the chemicals having recovered to be used as raw material from the said godown cannot be made applicable to indict accused No. 5 in manufacturing or storing contraband substances. There is no money trail either that is established.

12. The prosecution has also referred to and relied upon the money transfers between the aforesaid accused persons. Details of those money transfers are appearing in the witness statement at page 173. I have perused the same. *Prima facie*, those money transfers are not mere money transfers, but are backed by appropriate invoices and work orders and orders, details of which are also given therein. They are all bank transfers, and not in high denomination either. Therefore, *prima facie*, there is no reason to believe that such money transfers could be treated as humongous money transfers and would otherwise amount to any drug-related issue. Needless to state that complicity of all the accused persons can be proved by the prosecution at trial.

13. Having regard to the fact that no recovery has been done and there is no specific, direct involvement of any of the accused *qua* the specific contraband that has been recovered, I am inclined to consider the aforesaid Applications for grant of bail. In view thereof, all four Applicants are granted bail on following conditions:-

- (i) All four Applicants are directed to be immediately released from prison in connection with C.R. No. 364/2023;
- (ii) All four Applicants are directed to be released on bail on furnishing P.R. Bond of Rs. 50,000/- each (Rs. Fifty Thousand each) with one or two sureties in the like

amount;

- (iii) All four Applicants shall report to the concerned Investigating officer, once every month on the first Monday of the month between 10:00 a.m. to 12:00 p.m.;
- (iv) All four Applicants shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if they do so it will entitle the prosecution to apply for revocation of this order;
- (v) All four Applicants shall not leave the country without prior permission of the Trial Court and shall deposit their passports with the Trial Court within one week from the date of their respective release;
- (vi) Applicants shall not influence any of the witnesses or tamper with the evidence in any manner;
- (vii) Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers and / or change of residence or mobile details, if any, from time to time, as applicable; and
- (viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicants.

14. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

15. All four Bail Applications are allowed and disposed of in the above terms.

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[MILIND N. JADHAV, J.]