

**IN THE SPECIAL COURT FOR NARCOTIC DRUG AND PSYCHOTROPIC
SUBSTANCES ACT, 1985, AT GR. BOMBAY**

**ORDER BELOW EXH.03
(Bail Application)
IN
SPECIAL CASE NO. 747 OF 2026**

Venkatesh Suresh Kurigar

Age : 25 years,
Residing at : H. No.221,
Near PWD, Water Tank,
Aslam Backery, New Vaddem,
Vasco Da Gama, Sough Goa - 430802

.. Applicant/accused

Versus

UNION OF INDIA

Through Intelligence Officer,
Air Intelligence Unit,
CSMI Airport, Terminal – II,
Mumbai.

.. Respondent/Prosecution

Appearance :-

Mr. Devashish Dhanjode, Advocate for applicant/accused.
Mrs. Geeta Nayyar, SPP for the Respondent/Prosecution.

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Name of the Police station /Agency	Air Intelligence Unit, Mumbai
Crime Number	SD/INT/AIU/125/2026 AP 'D'
Offences registered against applicant/accused	section 8(c) read with sections 20(b), 23(b), 28, 29, 30, 35 and 54 of the NDPS Act.
Case Number	747 of 2026
Nature of Bail Application	Regular Bail U/sec.439 of CrPC
Date of Offence	28.02.2026
Date of arrest of the applicant/accused	28.02.2026
Date of filing of the charge-sheet	27.04.2026

Date of earlier bail application, if any	First Bail Application
Quantity of the contraband recovered	11837 Hydroponic Weeds

**CORAM : R. K. DESHPANDE, SPECIAL JUDGE
COURT ROOM NO.43**

DATE : 20th AUGUST, 2026

ORAL ORDER

Applicant/accused **Venkatesh Suresh Kurigar** has filed this application for bail in connection with Crime bearing File No. **SD/INT/AIU/125/2026 AP 'D'** registered with **Air Intelligence Unit, Mumbai**, for the offences punishable under section **8(c)** read with sections **20, 23(b), 28, 29, 30, 35** and **54** of the NDPS Act,

2. According to the contention of applicant/accused, he is innocent and has been falsely implicated in this case. The substance alleged to have been recovered in this case is approximately **11837** grams of Hydroponic weeds (Marijuana) and same is of intermediate quantity and as such, rigors of section **37** of the NDPS Act, will not apply to the case of applicant. Entire prosecution case rests on weak evidentiary foundation having no independent corroboration. Seized contraband is already in the custody of prosecution. There is no possibility of tampering with evidence or influencing witnesses. He has cooperated in the investigation. Now, the investigation is over and charge-sheet is filed. Therefore, further detention of applicant behind the bar is no more required. Accordingly, applicant prayed for his release on bail.

3. Investigating Officer through learned SPP for AIU filed reply on record below **Exh.3A** and strongly opposed the application contending that applicant was aware that smuggling of flowering or fruiting top form and other illegal drugs into India attracts stringent punishment. But, applicant chose to engage in smuggling of narcotic substance just to make quick monetary gains. Though the charge-sheet is filed in this case, but if the applicant is released on bail he may again indulge in similar type of offence. The possibility of his fleeing away also cannot be ruled out. Accordingly, Investigating Officer prayed for rejection of the application.

4. Heard both sides at length. Perused the record.

5. In support of the submission, learned advocate for accused relied upon the authority in the case of **Birbal Prasad Sah Vs. State of Bihar, (2018) 11 Supreme Court Cases 488.**

6. Looking the facts in the case in hand, I have carefully gone through the observations laid down by way of above citations. Here, it is most humbly and respectfully submitted that the ratio laid down by way of above citations are noted by me while deciding this application.

7. Upon perusal of record, it reveals to me that the Officer of AIU, has intercepted applicant/accused who arrived at CSMI Airport, Mumbai on **27.02.2026** from Bangkok by Thai Airlines Flight No. **TG 317** dated **27.02.2026**. Thereafter, by following the due procedure laid down under NDPS Act, personal search of the applicant was taken, however, no contraband was recovered from his personal search.

Thereafter, the concerned officer examined baggage carried by the applicant. Upon opening the said trolley bag, it was found stuffed with **12** sealed plastic packets. On opening the said **12** packets, it contained fruiting and flowering tops of the plant purported to be Hydroponic Weed (cannabis), having a strong pungent smell. Total net weight of contraband was found to be **11837** grams. Accordingly, aforesaid contraband was seized under the panchanama. Applicant was arrested under the provisions of NDPS Act, **1985**.

8. Admittedly, since the date of arrest i.e. from **27.02.2026**, applicant/accused is in jail and after completion of investigating, Investigating officer has filed the charge-sheet on **27.04.2026**. Record show that **11837** grams of hydroponic weeds is alleged to be seized from the applicant/accused and same is less than commercial quantity. As per the relevant provisions of the NDPS Act, **20 KG** and above of Ganja is supposed to be commercial quantity. The contraband seized in this crime is less than commercial quantity. Thus, there is no application of section **37** of the NDPS Act. Apprehension expressed by Investigating officer that if accused is released is on bail he may flee away from trial can be taken care by imposing certain appropriate conditions.

9. Having taken into consideration the submission advanced before this Court coupled with the facts and circumstances available on record, it is clear that applicant/accused has no any criminal antecedent and alleged offence registered against the applicant is in respect of intermediate quantity and requires trial. So, this Court is of the considered opinion that this is the fit case to exercise discretion in

favour of applicant/accused. In view of my above discussion, I inclined to allow the present application and proceed to pass following order.

ORDER

1. Bail Application (**Exh.3**) in Special Case No.747 of 2026 is **allowed**.
2. Applicant/accused **Venkatesh Suresh Kurigar** be released on bail in connection with Crime bearing File No. **SD/INT/AIU/125/2026 AP 'D'** registered with **Air Intelligence Unit, CSMI Airport, Mumbai**, for the offences punishable under section **8(c)** read with sections **20(b), 23(b), 28, 29, 30, 35** and **54** of the NDPS Act, on executing P. R. Bond of **Rs.1,00,000/-** (Rupees One Lakh only) with one or two solvent sureties of like amount.
3. **In addition to execution of aforesaid bonds**, applicant shall deposit **Rs.25,000/-** (Rupees Twenty Five Thousand only) towards cash security in the Court.
4. Applicant shall not tamper with the prosecution evidence and witnesses in any manner.
5. Applicant shall not repeat similar nature of crime as well as any other crime in future.
6. Applicant upon being released on bail shall place on record of this Court his detail residential address and contact number with updates in case of any change from time to time.
7. Applicant shall surrender his passport, if any with Investigating Officer and shall not leave the jurisdiction of this Court without prior permission of this Court.
8. Applicant shall attend each and every date as directed till the completion of trial except applicant is exempted from his personal appearance by the order of this Court.

Order

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Exh.3 (BA) in Spl.
Case No. 747/2026

9. Applicant shall furnish two correct postal addresses along with the contact numbers of his two close relatives on record.
10. On failure to comply above conditions, Investigating Officer has liberty to approach this Court for cancellation of bail granted by this Court.
11. Applicant shall comply with Chapter-I, Paragraphs 1 to 6 of the Criminal Manual, 1980. (In view of order of the Hon'ble Bombay High Court passed in Criminal Application No.28 of 2010 in Public Interest Litigation No.25 of 2010 on January 29, 2020).
12. The soft copy of this order shall be sent to the applicant/accused by email through the concerned Jail Superintendent as per direction of The Hon'ble Supreme Court of India, in the case of In Re Policy Strategy for grant of bail in SMWP (CRIMINAL) No.4/2021 dated 31.01.2023.
13. Intimate to the concerned police station accordingly.
14. With the above observations, application stands disposed of.

Date : 20.08.2026



(R. K. Deshpande)
Special Judge, N.D.P.S.
Court Room No.43,
City Civil & Sessions Court,
Gr. Bombay

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
21.08.2026	5.00 p.m.	Shilpa P. Pawar Stenographer (Grade-I)
Name of the Judge		H.H.J. R. K. Deshpande NDPS Spl. Judge (C.R.No.43)
Date of Pronouncement of Order		20.08.2026
Order signed by P.O on		21.08.2026
Order uploaded on		21.08.2026