

MHTH230017202026

Criminal Bail Application (RBA) No.
880/2026



Vishal Rajaram Gupta V/S. State
(Virar Police Station)

ORDER BELOW EXHIBIT 1
(Date : 23/07/2026)

This is an Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) by accused **Vishal Rajaram Gupta** arrested in CR. No. 273/2026 registered with Virar Police Station for the offence punishable under Section 8(c), 22(c), 29 of NDPS Act 1985 for releasing on bail.

2] **The prosecution case in brief is as under :**

That on 08/05/2026 at around 11.20 p.m. at Jivdani Maidan Virar(East) informant along with other police staff were patrolling. They found person in suspicious condition. He told his name as Devesh Sachin Mahadik. Hence, informant called two panchas and weighing machine holder. Upon search informant found in his possession contraband Mephedrone (MD) 11 grams total worth more than ₹.33,000/-. Thereafter it was seized by police in presence of panchas and effected seizure panchanama. During the raid, the investigating machinery had followed due procedure as envisage under Section 50 of NDPS Act. All the Rules were followed and the Contraband was sealed and labeled. The accused told that he has purchased the said contraband from one person namely Ali. Thereafter, informant

and police staff apprehended him. He told his name as Mohammad Ali Mohammad Juber Shaikh. He told that the contraband given by him to accused Devesh was given to him by one Amir Tajamul Shaikh, resident of Nallasopara(West). There upon, police apprehended him. They found 46 grams Mephedrone (MD) worth of ₹.1,38,000/- in his possession. Informant seized it. Thereafter it was seized by police in presence of panchas and effected seizure panchanama. During the raid, the investigating machinery had followed due procedure as envisage under Section 50 of NDPS Act. All the Rules were followed and the Contraband was sealed and labeled. Thereafter, he lodged report at Virar police station against accused.

3] It is submitted by applicant that, he is innocent and falsely implicated in this case. Nothing has been seized from his possession. The alleged contraband was seized from possession of co-accused persons. The present accused came to be arrested as per the statements of co-accused, which are not admissible. The accused is in judicial custody since last more than 15 days. No purpose is going to be served by detaining him in judicial custody. He shall abide by the terms and conditions, if bail is granted. Hence, he prayed to release him on bail.

4] I.O. submitted say at Exh.6 and objected the bail application. It is submitted that contraband Mephedrone (MD) 57 grams came to be seized from the possession of

accused Devesh and Amir. All accused persons committed the offence in collusion with each other. Hence, they cannot be released on bail, in view of rigors of section 37 of NDPS Act. The offence is of serious nature. Investigation is in progress. There is likelihood of accused absconding and tampering with prosecution evidence and pressurizing prosecution witnesses. The accused is having criminal antecedents. Hence, I.O. prayed to reject the bail application.

5] Heard Ld. Advocate Shri Harshad Gaikwad for accused at length. He prayed to allow the bail application on the grounds as mentioned in Exh.1. Heard Ld. A.P.P. Shri J.R.Patil at length. He prayed to reject the bail application on the grounds as mentioned in the say of I.O. as per Exh. 4.

6] It is argued on behalf of accused that contraband came to be seized from the possession of other accused persons and present accused came to be arrested only on the basis of statement of co-accused. He has no role to play in the commission of crime. Investigation is complete and charge-sheet has been filed. No purpose will be served by detaining accused in judicial custody indefinitely. Hence, he prayed to release the accused on bail. He relied upon following rulings of Hon'ble Supreme Court in the case of **State of West Bengal Vs. Rakeshkumar Singh** passed in Criminal Appeal NO. 923 OF 2022 (Arising Out OF SLP (Crl.) NO. 9470 OF 2021) dtd. 11/07/2022. and ruling of the Hon'ble Delhi High Court in the case of **Arunkumar Azad Vs. Narcotics Control bureau** Bail Application 3620/2023, dtd. 02/04/2024.

7] I have gone through the record of the case. It appears that recovery of contraband has not been made from the possession of present accused. It appears that he has been arrayed as co-accused on the basis of disclosure statement of co-accused. Now investigation is complete and charge-sheet has been filed. I.O. has failed to bring on record any monetary transaction between the present accused and co-accused persons. It appears that prosecution is solely relying upon the statements of co-accused and call record between Devesh and present accused to show prima facie case against present accused. So also the quantity of Mephedrone (MD) found from Devesh is of less than commercial quantity. The prosecution has not filed any bank details of present accused to connect him with the present crime. Thus, it prima facie appears that the material on record cannot be deemed sufficient to link the applicant to the alleged offence. So also no criminal antecedents have been attributed to the present accused. Hence, in view of the facts and circumstances of the case and ratio of the above mentioned rulings, the accused cannot be denied bail in view of section 37 of NDPS Act. As already stated investigation is complete and charge-sheet has been filed. The accused is in judicial custody since last more than one and half months. At present there is nothing to be recovered or discovered from the accused person. It appears that accused is a student of Engineering Course and he is not having criminal antecedents. Hence, no purpose will be served by detaining him indefinitely in judicial custody.

8] The prosecution apprehended that accused will tamper with prosecution evidence and will pressurize the informant and witnesses, if released on bail. So also, he will repeat the crime, if released on bail. This aspect can be taken care of by imposing stringent conditions. Hence, I proceed to pass the following order.

:: ORDER ::

1.	The bail application Exh.1 is allowed.
2.	The accused Vishal Rajaram Gupta arrested in CR. No. 273/2026 registered with Virar Police Station for the offence punishable under Section 8(c), 22(c), 29 of NDPS Act 1985, be released on bail upon his executing P. B. of ₹.50,000/- (Rupees Fifty Thousands only) with one surety of the like amount on following conditions; i)He shall attend each and every date fixed by the Court, unless exempted. ii) He shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any Police Officer, iii) He shall not tamper with the evidence of prosecution in any manner, iv) He shall not indulge in similar type of activities/crime. v) He shall furnish the details of his permanent & temporary address, phone numbers as well as true copies of the documents of his residential addresses along with original for inspection by the Superintendent of the Court. vi) He shall not leave India, without the prior permission of the concerned Court.
3.	Failure to obey any of the conditions above, would be liable

	for cancellation of bail granted to accused.
4.	Inform concerned Police Station accordingly.
5.	Accused be informed about this order by e-mail through Superintendent, District Prison, Thane.
	(Order is dictated and pronounced in open Court).

Vasai.

(H.B. Sirsalkar)

Date : 23/07/2026

Additional Sessions Judge-1 , Vasai.