

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

**ORDER BELOW EXHIBIT NO.03
(Bail Application)
IN
SPECIAL CASE NO.989 OF 2026**

Vishwanath Krishna Pujari

.. Applicant/accused No.2

Versus

The State of Maharashtra

At the instance of ANC, Kandivali
Unit, Mumbai

.. Respondent/Prosecution

Appearance :-

Mr. Shabbir Shora, Advocate for applicant/accused.

Mr. Shankar Erande, APP for State/Respondent.

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Name of the Police station /Agency	ANC, Kandivali Unit, Mumbai
Crime Number	98 of 2025
Offences registered against applicant/accused	Section 8(c) read with section 21(c), 29 of the NDPS Act.
Case Number	989 of 2025
Nature of Bail Application	Regular Bail U/s.439 of CrPC
Date of Offence	24.11.2025
Date of arrest of the applicant/accused	24.11.2025
Date of filing of the charge-sheet	22.05.2026
Date of earlier bail application, if any	First Bail Application
Quantity of the contraband recovered	511 grams heroin

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

DATE : 06th AUGUST, 2026

ORAL ORDER

Applicant/accused No.2 **Vishwanath Krishna Pujari**, has filed this application for bail in connection with Crime No.98 of 2025 registered with **ANC, Kandivali Unit, Mumbai** for offence punishable under section **8(c)** read with sections **21(c), 29** of the NDPS Act.

2. It is the contention of applicant that he is law bidding person. He has a clean past record. There is no criminal antecedents to his discredit. In his personal search, he was found possessing **33** grams of Heroin which is intermediate quantity. Even adding **197** grams heroin alleged to be recovered from the residence, both comes to **230** grams, which is also intermediate quantity. Hence rigors of section **37** of the NDPS Act, will not applicable to the case of applicant. But, prosecution has deliberately mentioned the recovery of **250** grams of heroin in order to show as commercial quantity. Applicant is in jail since **24.11.2025**. Now, investigation in the present case is completed and charge-sheet is filed. Hence, no purpose will be served by keeping the applicant behind the bars. He is ready to abide all the terms and conditions imposed by this Court. Accordingly, applicant prayed for his release on bail.

3. Investigating officer has strongly opposed the application by filing say on record below **Exh.03-A** and contended that in the present case, total **511** grams of heroin amounting **Rs.02,04,40,000/-** have been recovered. From applicant/accused No.2 total **33** grams of heroin has been recovered from his possession and during his confessional statement, **197** grams of heroin has been recovered from his house. Huge quantity of contraband have been seized in this case. Through charge-sheet is filed but the wanted accused who has provided

the drugs to accused No.1 and 2, is yet to be arrested. The investigating as to whether the accused have nexus with international accused is not yet completed. Therefore, if the applicant/accused is released on bail then there is every possibility that he may indulge in similar nature of crime. The possibility of tampering with the prosecution evidence and threatening the witnesses cannot be ruled out. Accordingly, prosecution prayed for rejection of the application.

4. Heard both sides. Perused application. Learned advocate for accused has relied on the observations in the case of ***Sagar Nana Borkar Vs. The State of Maharashtra, Criminal Bail Application No.3636 of 2022, decided on 15.09.2023 and Shakir Jamil Ahmed Shaikh Vs. The State of Maharashtra, Bail Application No.4911 of 2024, decided on 8.07.2026.***

5. 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.

6. Upon perusal of record, it reveals to me that ANC Kandivali Unit, has received secrete information that both accused No.1 and 2, who are wife and husband in relation are likely to come near National Garden Metro station, Borivali (East) to sell the contraband heroin. Accordingly, the trap was laid at the said spot. By following procedure of NDPS Act, their personal search was carried out. Accused No.1 was found in possession of **281** grams heroin approx Rs.**1,12,40,000/-**. Accused No.2 was found in possession of **33** grams heroin, approx

Rs.13,20,000/- and during his confessional statement, total 197 grams heroin approx. Rs.78,80,000/- were recovered from his residence. All the contraband was seized under the panchanama and accused came to be arrested. Huge quantity of contraband have been recovered and seized by the investigating officer.

7. In the light of facts available on record coupled with the argument advanced before this Court, I have also scanned the charge-sheet.

8. It is not out of place to mention here that in view of mandate of section 37 of the NDPS Act, the burden is upon the accused to show that there are reasonable grounds to believe that he is not guilty of the offence alleged. However, in the case in hand, applicant prima facie failed to demonstrate that there are reasonable grounds to believe that he is not guilty of the offence. From all the appreciation of material available on record, at this stage, one can say that there are reasonable grounds against applicant to show that he has committed the offence punishable under section 8(c) read with section 21(c) and 29 of the NDPS Act. Moreover, considering the nature of offence, material available on record, quantity of contraband of commercial quantity recovered from the present applicant and looking the reply filed by Investigating officer available on record, this Court is also not satisfied that the applicant will not commit similar offence again. As such conditions under section 37 of the Act are not fulfilled.

9. Prima facie there is no material on record so as to create doubt about the genuineness of the prosecution case. Prima facie there

appears no inheritance infirmities and/or improbabilities in the prosecution case. So considering the nature of offence coupled with huge recovery of contraband, the possibility cannot be ruled out that if the applicant is released on bail he will not tamer with the prosecution evidence, influence the prosecution witnesses or may not involve in the commission of similar nature of offence, which affects the society at large. Therefore, at this stage, there appears necessity for detention of the applicant.

10. Thus, considering the above facts and discussion, prima facie appreciation of material available on record, release of the applicant, at this stage, is likely to prejudicial to the interest of society at large. Liberal approach granting bail in such kind of offence in which severe punishment prescribed under the NDPS Act, is also uncalled. Prima facie, considering the nature of the offence and gravity of the offence, there appears no justifiable ground for releasing the applicant on bail. So this is not a fit case to use discretion in favour of applicant. Hence, following order is passed.

ORDER

Bail Application (Exh.03) in Special Case No.989 of 2026 stands **rejected** and disposed of accordingly.

Date : 06.08.2026



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

Order

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BA (Exh.03) in Spl.
Case No.989/2025

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
07.08.2026	3.45 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		06.08.2026
Order signed by PO on		07.08.2026
Order uploaded on		07.08.2026