



Spl.(NDPS) Case No.05/2026
State of Maharashtra Vs.
Machindra Bhosale & Ors.
CNR No.MHRG150000482026

ORDER PASSED BELOW EXH.13

- 1) The present application has been filed by the **accused No.02 Sushant Santosh Patil**, u/s.483 of BNSS, 2023 for regular bail in the present case for offences punishable u/s. 8(c), 22(c), 25, 27(a), 29, 30, 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “NDPS Act”).
- 2) Prosecution alleges that, accused conspired together for undue financial gain, manufactured Ketamine Narcotic Drugs in Rohan Chemical Pvt. Ltd., situated at village Jite, Tal.Mahad, Dist.Raigad.
- 3) Ld. Advocate Shri. Vanarse for accused no.02 submitted that, accused is innocent and has not committed any offence, he has been falsely implicated. No prima facie case is made out against the accused. Investigation was completed and charge-sheet has been filed. Hence, further custody is not required. Accused is resident of Raigad District. Hence, would not abscond or flee from justice. Accused is ready to abide conditions of bail. Accused has been released on bail by order dt.09.02.2026 in C.R.No.74/2025 at Sedwa Police Station Rajasthan under NDPS Act against the accused. Hence, prayed for grant of bail.
- 4) The Investigation Officer filed say through Ld. A.P.P. Shri. Tendulkar and strongly opposed bail application. It is submitted

that, the offence is serious in nature, interim charge-sheet has been filed. The quantity seized from the possession of accused is huge and more than commercial quantity of Ketamine narcotic drugs. The accused has formed unit at Mahad and Rajasthan for manufacturing drugs. The formulas for manufacturing contraband has been found in the mobile of accused, which was tested through Forensic Laboratory and found to be used for manufacturing narcotic drugs. Accused has purchased raw materials for manufacturing contraband by using GST number of Mahadev Enterprises, Jaisalmer, Rajasthan. It was transpired that inter-state gang has been involved in the offence. Previously offences under NDPS Act has been registered against the accused. The accused if released on bail, they will again involve in manufacturing contraband. Further, accused will tamper with prosecution witnesses and evidence. Hence, prayed for rejection of bail.

5) Heard both the sides, perused application, say filed prosecution and also the charge-sheet.

6) The C.A. report filed on record shows that it do not contain Ketamine drugs. The chemical found in it is also not narcotic drugs or psychotropic substances as defined under NDPS Act. Thus, prima facie the material on record shows that the article seized are not narcotic drugs, psychotropic substances or control substances.

7) It is true that while considering bail in cases involving commercial quantity under the NDPS Act, the Court is required to take into consideration limitation imposed u/s.37 of NDPS Act. However, in the present case the C.A. report does not support prosecution case. In absence of such material the application of stringent conditions as prescribed u/s.37 of NDPS Act becomes doubtful.

8) The investigation was completed and the charge-sheet has been filed. The accused are in judicial custody for a considerable period and trial would likely to take time for its conclusion. Hence, further incarceration of accused in absence of positive C.A. report would not served any purpose. Considering the circumstances, this Court is of view that accused have made out case for grant of bail. At this stage without expressing any opinion on merits, this Court is of opinion that accused deserves to be enlarged on bail on suitable conditions. Hence, I proceed to pass following order.

:: ORDER ::

- 1) The application(Exh.13) is allowed.
- 2) Accused **No.02 Sushant Santosh Patil** be released on bail in the present case on execution of personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties each of Rs.25,000/- (Rupees Twenty Five Thousand Only).

- 3) The accused shall regularly attend the Court on all the dates unless exempted and shall co-operate in conclusion of the trial.
- 4) The accused shall not tamper with prosecution evidence and witnesses.
- 5) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade said person from disclosing facts to the Court or any police officer.
- 6) The accused shall furnish his contact number, residential address to the Court and shall keep updated in case there is any change.
- 7) The accused shall not leave Country without prior permission of this Court.
- 8) Breach of any condition entail cancellation of bail.
- 9) Send soft copy of the bail order by e-mail to the prisoner/accused through the Jail Superintendent on the same day or next working day.
- 10) The Jail Superintendent directed to enter the date of grant of bail in the e-prison software immediately upon receipt.

Mangaon.

(M. K. Patil)

Date: 16.03.2026.

Addl. Session Judge, Mangaon.