



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

ORDER PASSED BELOW EXH.05

- 1) The present application has been filed by the **accused No.04 Rohan Prabhakar Gavas**, 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 M. Vaidya for accused no.4 adopted argument advanced by Advocate Smt. Y. M. Kadam for accused No.1. It is submitted that, the alleged article seized from the possession of the accused is tested negative for presence of Ketamine narcotic substance. Hence, limitations as prescribed u/s.37 of NDPS Act are not applicable. The investigation has been completed and charge-sheet has been filed. The accused are in jail since their arrest and trial will take considerable time for conclusion. Hence, further incarceration of accused in absence of positive C.A. report is not required. Accused is ready and willing to abide conditions imposed by this Court, while

releasing accused on bail. Hence, prayed for grant of bail. In support of its contention the Ld. Advocate for accused relied on;

(i) Lakhbir Singhu @ Lakkha Vs. State NCT of Delhi, Bail Appl. No.4740/2025, wherein the Hon'ble Delhi High Court released accused on bail on ground of negative FSL report in respect of alleged seized article i.e. opium.

(ii) Shreekant S/o. Laxmi Narayan Vs. State of Rajasthan, Cri. Rev. Peti. No.1387/2023, wherein framing of charges has been quashed by the Hon'ble Rajasthan High Court to the extent of section 8/22, 8/25 of NDPS Act, on ground of negative FSL report.

(iii) Nipresh Das Vs. The State of Assam, Bail Appl. No.2232/2021, where the Hon'ble Assam High Court released accused on bail on the ground of negative FSL report for narcotic drugs and substances in respect of sample examined by it.

(iv) Bail order dt.09.02.2026 passed by the Hon'ble Rajasthan High Court at Jodhpur in **S.B. Cri. Misc. Bail Appl. Nos.11780 of 2025, 12290 of 2025 and 14856 of 2025**. Wherein, the Hon'ble Rajasthan High Court after finding negative report released accused Machindra Bhosale, Sushant Santosh Patil and Ganpatsingh S/o. Bhanvar Singh on bail in C.R. No.74/2025 registered at Police Station Sedwa, District Barmer, State

Rajasthan, for offences punishable 8/21, 22, 25, 27(a), 29 & 30 of the NDPS Act after finding negative FSL report.

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. The case laws cited by Ld. Advocate for accused squarely applicable to the case entitling released on bail on ground of negative FSL report. 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.05) is allowed.

- 2) Accused **No.04 Rohan Prabhakar Gavas** 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.

Sd/-

Mangaon.

(M. K. Patil)

Date: 16.03.2026.

Addl. Session Judge, Mangaon.