


MHRG170001752021 	<b>Special Case (NDPS) No. 14/2021</b>  Intelligence Officer, Directorate of Revenue Intelligence Mumbai Zonal Unit, Mumbai ... Complainant Vs Meenanath Bodake and others ... Accused
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**COMMON ORDER BELOW EXHS. 81 AND 85**

- 1] The application below Exh. 81 is filed by the accused No.3- Sarvesh Bhatia for grant of bail. Subsequently, another bail application is filed by the same accused through Ld. Advocate at Exh. 85. The grounds of both the bail applications are same.
- 2] Prosecution has filed common say to these applications at Exh.87 and thereby strongly opposed the application.
- 3] Perused application, say thereon and record of the case. Heard both sides.
- 4] Accused No.3 was arrested on 09/08/2020. Accused persons are charge-sheeted for the offence punishable under Section 8(c) read with 21(c), 23, 25, 27-A, 28, 29 and 31-A of The Narcotic Drugs And Psychotropic Substances Act, 1985.
- 5] Ld. Advocate for accused submitted that, the applicant/accused No.3 is in jail for last five years. He has completed half of the minimum punishment. He is in long

incarceration. Hence, he is entitled for bail. The Ld. Advocate relied upon following authorities :

1) **Undertrial Prisoners V/s. Union of India and others, reported in (1994) 6 Supreme Court Cases 731.**

2) **Sachin Atmaram Vartak V/s. The State of Maharashtra, Bail Application No. 430 of 2021.**

3) **John Chukwudi Nnaekwe V/s. Union of India and Anr., Bail Application No. 1298 of 2025.**

6] Ld. Spl. A.P. P. Shri. Vijyendra Mishra submitted that, earlier bail application of the present accused is rejected on 02/08/2025. The grounds of the earlier bail application (Exh.68) and present bail applications are the same. There is no change in circumstance. Hence, the present applications are not maintainable. Hence, prosecution prayed for rejection of bail.

7] Perused application, say and record of the case. It appears that, the team of Director of Revenue Intelligence (DRI) effected raid on 07/08/2020 at about 11.15p.m. at Navkar Corporation 2 (Manibhadra) CFS Raigad. They found container No.INKU2267955 imported under bill of entry No.8349682 dated 01/08/2020. On examination of said container in the presence of panch witnesses, the raiding team found 191.60Kgs Heroin of creamish coloured powder with pungent smell concealed inside hollow plastic pipes which were given wooden texture by pasting the same with wooden bark artificially on it. Accused No.1 was the custom house agent of the said

consignment and partner in custom broker firm M/s. M.B. Shipping and Logistic Solution. On reference of accused No.2, accused No.1 accepted the job clearance of import consignment of M/s. Sarvim Export. Accused No.1 received the call from accused No.4 in June 2019 inquiring about clearance of import of Mulethi Liquorice Roots from Afghanistan. Accused No.1 agreed to clear import consignment of accused No.4. Accused No.3 is the proprietor of M/s. Sarvim Export. Accused No.3 met accused No.4 and 5 in Tihar Jail while suffering sentence of previous case. Accused No.3 was released in November 2017 after suffering the sentence. Accused No.3 gave all relevant papers to accused No.4. Accused No.3 suggested name of accused No.2 as a custom broker. Accordingly, accused No.4 contacted accused No.2 and thereafter accused No.1. Accused No.4 used to look-after business operation from the office of accused No.5 at Delhi. 190 packages of Liquorice Roots (Mulethi) weighing 9500 Kgs were imported in the name of M/s. Sarvim Exports from Afghanistan. The seized Heroin was concealed in import consignment of Mulethi Liquorice Roots. Therefore Intelligence Officer, Directorate of Revenue Intelligence Mumbai Zonal Unit, Mumbai filed this complaint.

**8]** The main grounds of bail applications are prolonged incarceration for half of the minimum punishment provided for the offence. The record shows that accused No.3 is in jail for last five years. The minimum punishment for offence punishable

under Section 21(C) of the NDPS Act is not less than ten years. The punishment for offence under Section 31-A of the NDPS Act is not less than punishment specified in Section 31 or with death. This point is already considered in earlier bail order below Exh.68. Immediately after rejection order passed below Exh. 68, the present accused No.3 filed these succession bail applications. Considering peculiar facts and circumstances of the case, with great respect the authorities cited by the accused No.3 are not helpful to him. There is possibility of the repetition of the crime. Considering the nature, gravity of the offence and severity of punishment, I am not inclined to grant bail. As a result, I proceed to pass following order.

**:: ORDER ::**

1. Applications Exh. 81 and 85 are rejected.

Panvel,  
Dated :- 18/09/2025

(S. R. Chavan)  
Addl. Sessions Judge  
Panvel, Dist.-Raigad