

MHRG170002512026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD
ORDER BELOW EXHIBIT 1 IN BAIL APPLICATION NO.117/2026
(Dated 20/04/2026)

The applicant Kulmit Singh Dalveersingh Randhwa has filed present application for regular bail U/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No. 384/2025 registered with Taloja police station for the offences punishable under sections 8(c), 17(b), 21(a), 21(b), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “NDPS Act”).

2. In short the prosecution case is that, on 13/11/2025, at about 05.00 p.m. the informant Police Hawaldar Padu Kamlu Dore has received an information through secret messenger that, co-accused Vicky Randhwa and Sunny Randhawa had stocked Heroin in room No.1202 of Heritage Castle, situated at Sec.16, Taloja, Phase II, for selling purposes. Accordingly the said information was furnished to senior officials and after getting their approval, one raiding team including informant came to be formed. Necessary instruments for conducting raid were procured. Likewise, presence of two panch witnesses was

secured. At about 07.40 a.m. all members of raiding team went to flat No.1202 of Heritage Castle where co-accused Vicky Randhawa and Sunny Randhawa were residing. One of the member of the team knocked the door. One person opened the flat. When members of raiding team inquired with said person about co-accused Vicky Randhwa and Sunny Randhwa, he informed them that they were in the bed-room. Thereafter members of raiding team went to bed-room, where they found both aforesaid accused. Thereafter the house search was conducted wherein 258.2 gms Heroin was found in one plastic bag which was kept behind the sofa set which was placed in the hall. Likewise, 40.2 gms Opium was found in one plastic bag kept in the cupboard of bed-room. Both co-accused Sunny Randhwa and Vicky Randhwa admitted that, the said product were Heroin and Opium. Thereafter, members of raiding team completed all necessary formalities as envisaged under NDPS Act. The informant thereafter lodged detailed complaint with Taloja Police Station. On the basis of complaint so lodged, an offence came to be registered vide C.R.No.384/2025 under above mentioned Sections.

3. During the course of investigation, the name of present applicant came to be surfaced as an accused. Hence, he came to be arrested in connection with the crime in question on 21/01/2026.

4. Heard Ld. Advocate Shri. M. R. Morepatil for the applicant and Ld. Spl.PP. Shri. R. E. Yerunkar for the opponent State. Perused application, say filed by opponent state at Exh.6 and other documents placed on record.

5. Shri. Morepatil, the Ld. Advocate for applicant, argued that the applicant is innocent. He has been falsely implicated in the crime in question on the ground that he is the father of co-accused Gurujiot @ Sunny Kulmit Singh Randhwa and Navjiot Singh @ Vicky Kulmit Singh Randhwa. There is no recovery of any contraband from the present applicant. Likewise there is no evidence to show that the applicant was in conscious possession of seized contraband. Shri Morepatil further argued that the applicant came to be arrested 1 & ½ month after the seizure of contraband. It is also submitted by Shri Morepatil that applicant is suffering from severe heart disease. He is in need of urgent medical treatment. If proper medical treatment is not provided to applicant, his life will come in danger. Shri Morepatil further argued that the applicant has no antecedents. His involvement in connection with the crime in question came to be surfaced from the disclosure statement made by one of the co-accused. The said confessional statement of co-accused has no evidentiary value in the eyes of law. It is further argued by Shri Morepatil that as there is no prima facie case against the accused, the rigors of Section 37 of The NDPS Act will not be attracted to present case. Lastly Shri Morepatil submitted that the investigation is almost completed. There is nothing to be

recovered or discovered at the instance of present applicant. The applicant is languishing in jail since 21/01/2026. In such circumstances his further detention in jail is not required. The applicant is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Shri. Morepatil prayed that the applicant be enlarged on bail.

6. In order to substantiate his submissions, Shri Morepatil relied upon following rulings ;

1. **Ankit Goyal Vs. Narcotic Control Bureau Bail Application No. 590/2024** wherein it is observed by Hon'ble Delhi High Court that,

“confessions u/sec.67 of the NDPS Act are not admissible as evidence unless corroborated. Court can consider such statements for bail purposes if supported by independent material such as digital evidence, IP Logs and financial transactions traced to the accused.”

2. **Yasar Kutbuddin Shaikh Vs. The State of Maharashtra Bail Application No.2649/2023** wherein Hon'ble Bombay High Court has observed that,

“the conspectus of the aforesaid consideration is that since the search appears to have been prima facie vitiated, an inference become justifiable that the applicant may not be guilty of the offence p/u/sec. 21(b) r.w. Sec 8(c) of the NDPS Act. The court is not informed that there are antecedents of the applicant, which would justify an inference, if release on bail, the applicant may indulge in identical offences” .

3. **Dr. P. V. Varavara Rao Vs. National Investigation Agency and ors Criminal Appeal 5221** wherein it has observed Hon'ble Bombay High Court that,

“ With all humility at our command, keeping in view human consideration, the well recognized fundamental rights of the under trial to have quality medical aid for serious ailments suffered by him, advanced age, inadequate facilities in the hospital attached to Talaja Central Prison, we are of the opinion that this is a genuine and fit case to grant relief ; or else, we will be abdicating our constitutional duty and function as a protector of human rights and Right To Health covered under Right to Life guaranteed by Article 21 of The Constitution of India”.

7. Per contra, Shri. Yerunkar, the Ld. Special P.P. submitted that the offence is serious and antisocial. The applicant is one of the prime accused. He has played active role in the commission of the crime in question. The applicant is the father of prime accused Gurujyot @ Sunny Kulmit Singh Randhwa and Navjyot Singh @ Vicky Kulmit Singh Randhwa. The contraband came to be seized from the residence of present applicant. The investigation is at initial stage. Commercial quantity of Heroin came to be recovered at the instance of applicant and co-accused. Considering aforesaid circumstances, if the applicant is released on bail, definitely he will indulge again in similar kind of offence. Hence, Shri. Yerunkar prayed that the application be rejected.

8. I have carefully heard submissions advanced by both Ld. Advocates. I have also gone through the material placed on record. On appraisal of papers, it appears that, commercial quantity of contraband came to be recovered from the residence

of present applicant and co-accused Gurujyot Singh Randhwa and Navjyot Singh Randhwa. It also appears from papers that the present applicant has received amount through online from co-accused Karanjeet Singh, Avtar Singh, Hitesh Kale, Sunita Kale and Bhau Kunal Kale in exchange for contraband. It is pertinent to note that the applicant is father of prime accused Gurujyot Singh Randhwa and Navjyot Singh Randhwa. The investigation is at nascent stage. Other co-accused are still absconding. In such circumstances, I am not inclined to extend the relief of bail to present applicant.

9. So far as the medical condition of present applicant is concerned, the proper medical treatment or facility can be provided to him in J. J. Hospital, Mumbai. Taking into account aforesaid aspects and facts of the case on hand, the law laid down in rulings (cited supra, by Ld. Advocate for applicant) will not come to the help of applicant, hence, I pass the following order.

ORDER

1. The application stands rejected.
2. Copy of this order be sent to concerned jail authority.

Panvel

Date :- 20/04/2026

(S. R. Ugale)

Additional Sessions Judge,
Panvel

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CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer	:	S.J.Sheth
Name of the Court	:	Additional Sessions Judge, Panvel Raigad
Date of dictation (direct)	:	20/04/2026
Order signed by the P.O.on	:	20/04/2026
Order uploaded on	:	20/04/2026