

MHRG170009742025



**IN THE COURT OF SPECIAL JUDGE  
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE No.119/2025

The State of Maharashtra --- Prosecution

Vs.

Shivam Anil Pandey --- Accused

**Corum** - Santosh C. Shinde

**Date** - 28<sup>th</sup> July 2025

**Appearance-**

Ld. Adv. Mr. Indrajeet Bhosale for accused

Ld. Addl. Public Prosecutor Mr. A. R. Kadam for the State.

**Order Below Exh.2**

1. Heard Ld. advocate Mr. Indrajeet Bhosale for applicant and Ld. Addl. P. P Mr. A. R. Kadam for the State.
2. Application is filed by **accused No.1 Shivam Anil Pandey** for regular bail.
3. Notice was issued to State of Maharashtra. Say is filed at exh.3 and application is strongly objected.
4. Perused FIR, say & documents filed by applicant.

5. FIR shows that on 9<sup>th</sup> December 2024, credible information was received by Kalamboli police station that near Phoenix Heights Building in front of Prime Snooker Cafe at Sector 17, Kalamboli present accused is coming to sell contraband. After completing necessary formalities, trap was arranged and police team went on spot. When accused came there, he was nabbed.
6. Personal search of present accused was taken and in personal search 4.97 gm heroin worth Rs.1,24,250/- was found in his possession. In house search of another accused 17 bottles of codeine & cash of Rs.3,96,390/- was found which was seized.
7. Ld. Advocate Mr. Indrajeet Bhosale submitted that now charge-sheet is filed and further custody is not required. Accused has no antecedents and quantity of contraband is small quantity.
8. Ld. Addl. P. P submitted that arrested Heroin was found in his custody & he is involved in the offence. He may tamper the evidence.
9. If documents on record are considered then, it becomes clear that 4.97 gm heroin was found in possession of present accused. Small quantity of heroin is 5 gms. If quantity of contraband recovered from applicant is considered then same is not commercial quantity therefore, there is no rigor of section 37 of the NDPS Act. Punishment is not also severe.
10. Applicant was arrested on 10<sup>th</sup> December 2024 and since then he is behind bars. Now, charge-sheet is filed and no

recovery or discovery is to be made. Bail is a rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment.

11. It will take time to commence & conclude the trial and it will not be proper to keep applicant behind bars for indefinite period otherwise it will amount to pre-trial conviction. By imposing certain conditions, applicant can be released on bail. Considering these aspects, I pass following order.

### **ORDER**

1. Application is allowed.
2. Accused Shivam Anil Pandey be released on bail on furnishing P.B. & S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one or two sureties in like amount in crime No.480/2024 registered at Kalamboli Police Station, Navi Mumbai for offences punishable u/s.21(b) 21(c) & 29 r/w 8(c) of the NDPS Act, if he is not required in any other offence.
3. Accused shall not, directly & indirectly, make any inducement, threat or promise to any person acquainted with facts & circumstances of case so as to dissuade him from disclosing such facts to the police & Court.
4. Accused shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.

5. Accused, in future, shall not commit offence of similar nature.
6. Accused shall not leave India without previous permission of the Court.
7. Registry is directed to inform applicant about this order by e-mail.

(Application is disposed of accordingly)

Panvel  
Date - 28/07/2025

**(Mr. S. C. Shinde)**  
Special Judge, Panvel,  
Dist. Raigad