

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1222 OF 2026

Sandip Shivpujan Saroj ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms. Sana Raees Khan a/w Yash Surana for the Applicant.

Mr.R.M. Pethe , APP for the Respondent-State.

Mr. Sanjay Bhise, PSI, Crime Branch, Thane

CORAM: R. M. JOSHI, J.

DATED: 15th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR. No. 597 of 2025 registered with Vartak Nagar Police Station, Dist. Thane, for the offences punishable under Sections 8(c), 21 (b)(c) 22(b) and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '**NDPS Act**'). and Sections 3 and 25 of the Arms Act. and Sections 37 (1) and 135 of the Maharashtra Police Act.

2. The present applicant is arrested in connection with the said crime as during the course of investigation. It was the involvement of about 11 accused was seen therein. He was arrested on the basis of the statement of the co-accused i.e. accused no.8. Applicant was taken in custody 18.08.2025. Thereafter, at the instance of present applicant commercial quantity of contraband was seized from his shop situated at Shivajinagar. Panchnama was drawn at the spot where the recovery of the contraband was done. On completion of investigation charesheet came to be filed.

3. Learned counsel for the applicant submits that the alleged recovery shown at the instance of the present applicant pursuant to the house search panchanam dated 25.08.2025 cannot be attributed to him. It is contended that there is no investigation carried out indicating the shop from which the contraband is seized belongs to the applicant. It is further argued that in any case applicant is in custody from 18.08.2025 therefore, any absence of any evidence to show the custody/ possession of the premises, any recovery

therefrom cannot be attributed to him. It is submitted that the said recovery is excluded, there would not be impediment in granting bail as the rigors of Section 37 of the Act would not apply. It is also pointed out that out of 11 accused, 09 have already been granted bail

4. Learned APP opposed the application relying upon the house search panchnama dated 25.08.2025 by referring to contents of the said panchnama. It is stated that pursuant to the statement of the applicant, the said shop was raided, from where recovery of commercial quantity of contraband was done. It is his further submission that there are statements of witnesses indicating that the applicant is a drug dealer. On these among other contentions, he seeks rejection of the bail application.

5. Admittedly investigation into the crime is now complete with filing of chargesheet. In order to apply rigors of Section 37 of the Act, *prima-facie* there has to be evidence indicating involvement / recovery of the commercial quantity of

contraband. As far as the present applicant is concerned, the prosecution relies upon the recovery from the shop pursuant to the house search panchanama dated 25.08.2025. Perusal of the chargesheet does not indicate any investigation being done as to the ownership/ possession of the shop from which contraband was seized. Needless to say that there is no recovery pursuant to the statement of applicant under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023 in order to attribute it to the applicant. In any case there is absolutely no evidence to show that applicant had control over said premises or owner or in possession thereof. Furthermore since he is in custody from 18.08.2025 it would be difficult to attribute the recovery against him carried on after seven days of his arrest. This Court *prima-facie*, substance in the contention of the applicant that the alleged recovery of contraband cannot be attributed to him. Once it is held so, rigors of Section 37 of the Act would not apply to the present case. After filing of chargesheet, further custody of the

applicant is not necessary. He cannot be kept in jail by way of pre-trial sentence.

6. Hence, following order:

ORDER

i) Criminal bail Application no. 1222 of 2026 stands allowed.

ii) In connection with CR. No. 597 of 2025 registered with Vartak Nagar Police Station, Dist. Thane the applicant be enlarged on bail on furnishing PR Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.

iii) The Applicant shall attend every date of hearing before the Trial Court, unless exempted by specific order of the Trial Court.

iv) In view of the above, the Bail Application stands disposed of.

7. The above observations are *prima-facie* in nature and would not bind parties or court during trial.

(R. M. JOSHI, J.)