Ajay

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
## CRIMINAL APPELLATE JURISDICTION

## BAIL APPLICATION NO. 3938 OF 2026

Rupesh Rajaram Muluk .. Applicant

Versus

The State of Maharashtra .. Respondent

.....

- Mr. Ali Kaashif Khan Deshmukh a/w. Mr. Mohammad Farid and Mr. brar Burondkar, Advocates for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent – State.
- API – Ms. Madhumati Shinde, Pimpri Police Station.

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

**1.** Heard Mr. Khan Deshmukh, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent – State.

**2.** This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.761 of 2025 registered with Pimpri Police Station for offences punishable under Sections 8(c), 22(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances; 1985 (for short '**NDPS Act**').

**3.** Applicant in the present case has been indicted for an offence under the NDPS Act for having found with intermediate quantity of the contraband substance *ganja* weighing 13.990 kilograms.

**4.** There are 3 confessional statements of the other co-accused which have led the prosecution team to intercept and indict the present Applicant. Applicant was arrested from his house from where no recovery has been effected and according to the prosecution case, he led them to the contentious place from where 13.990 kilograms of *ganja* was recovered.

**5.** The prosecution *panchnama* of recovery, copy of which is appended at page No.54 *prima facie* states that when the recovery was effected on the instructions of the Applicant, the plastic bag was opened and merely on sniffing the contraband substance and on visual inspection, the prosecution determined the same to be the contraband substance *ganja*. This in itself entitles and enables the Applicant to maintain the present Application for bail. When *ganja* is recovered, as per various judgments of this Court and the Supreme Court, the same required to be seized on the basis of its flowering stems, fruits, flowers and leaves. The weighing of all the aforesaid four ingredients has to be done separately on the basis of what is recovered. Only thereafter, the alleged contraband as envisaged under the definition of *ganja* under section 2(iii)(a) can be construed to be the contraband in question. Though there are other issues which are also apparently voiced by Mr. Deshmukh, I need not detain myself with those since they may affect the trial in question.

**6.** The learned Prosecutor has however persuaded the Court very passionately to consider the fact that recovery in this case is only at the instance of the Applicant that the alleged contraband has been recovered from a place which was known to the Applicant. Though the place was known to Applicant, it is *prima facie* seen that the place did not belong to Applicant. My attention is also drawn to the fact that the seizure was made from a place in the presence of *panchas* and witnesses and confessional statement of Applicant was recorded. Learned Prosecutor also draws the attention of the Court to the fact that Applicant has one antecedent of bodily injury which is noted by the Court.

**7.** However, considering that Applicant cannot be indicted on the basis of his own confessional statement and that would be a matter for trial, I am inclined to consider the case of Applicant for bail. Applicant is arrested on30.12.2025 and is in incarceration for a little over 10 months. In that view of the matter, the Application for bail is allowed.

**8.** Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

**(i)** Applicant – Rupesh Rajaram Muluk is directed to be immediately released from prison in connection with

CR. No.761 of 2025;

**(ii)** Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount;

**(iii)** Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

**(iv)** Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

**(v)** Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

**(vi)** Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

**(vii)** Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone

number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

**(viii)** Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

**9.** It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

**10.** Bail Application is allowed and disposed in the above terms.

**[ MILIND N. JADHAV, J. ]**

Ajay

AJAY TRAMBAK UGALMUGALE

Digitally signed by AJAY TRAMBAK UGALMUGALE
Date: 2026.10.19 19:31:13 +0530