

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 797 OF 2016**

Sanjay Dashrath Ghodake

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sarang S. Aradhye for the Applicant

Mr. Arfan Sait, A.P.P for the Respondent-State

PSI Mr. Anil R. Kadam from Pancharpur City Police Station, Pandharpur, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 20th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 100 of 2016 registered with the Pandharpur City Police Station, Pandharpur, for the alleged offences punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Learned Counsel for the applicant submits that the applicant was not found in possession of ganja. He submits that according to the prosecution, accused No. 1 Pankaj Musale was found with small and large pouches of ganja in his pocket. He submitted that during the interrogation, accused No. 1 Pankaj Musale had disclosed to the police that he was selling the said ganja on the instructions of the applicant, pursuant to which, the applicant was arrested.

4. Learned Counsel for the applicant submitted that nothing has been recovered at the instance of the applicant. He submitted that the applicant is not found in possession of the ganja and that he was arrested only on the basis of the statement made by accused No. 1. He also submitted that the quantity which was seized was not a commercial quantity. He submitted that the charge-sheet has been filed on 21st March, 2016.

5. Learned A.P.P opposed the bail application.

6. Perused the papers. The applicant was not found in the possession of the ganja nor anything was recovered at his instance. The applicant was arrested pursuant to the statement made by accused No. 1 Pankaj Musale that he was selling the ganja on the instructions of the applicant. Investigation is complete and charge-sheet is filed. Considering that the quantity of ganja is 210 gms, which is not a commercial quantity, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m to 11:00 a.m initially for a period of 12 months and thereafter on every alternate Sunday, till the conclusion of the trial;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number within two weeks of his release and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.