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

CRIMINAL BAIL APPLICATION NO.2953 OF 2017

Ashok Pandey

...Applicant

Versus

State of Maharashtra

...Respondent

Ms.Jyotishwar Bhosale, i/b Expert Jurist LLP, for the Applicant.

Mr.A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd APRIL, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with NDPS Case No.41 of 2013.
3. Perused the papers. It appears that the applicant was enlarged on bail in connection with NDPS Case No.41 of 2013 (C.R.No.3070 of 2012, registered with the APMC Police Station), for the alleged offences punishable under Sections 8(c), 20 and 29 of the Narcotic Drugs and

Psychotropic Substances Act, as the quantity of ganja found with the applicant was less than small quantity i.e. 500 gms. It appears that the applicant failed to appear before the trial Court and hence the learned District Judge-5 and Additional Sessions Judge, Thane, was pleased to issue an NBW, as against the applicant. The applicant was produced before the Court and on execution of the warrant was taken into custody, considering his long absence. The applicant preferred an application seeking his enlargement on bail, however, the same was rejected, as the applicant had failed to abide by the conditions and had jumped the bail.

4. Learned Counsel for the applicant submitted that the applicant is ready to furnish an undertaking before the trial Court that he will appear before the trial Court, on every date of hearing, except in exceptional circumstances and that he will co-operate in the conduct of the trial.

5. In view of the aforesaid statement made by the learned counsel for the applicant, on the instructions of the applicant, the application is allowed, and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- ii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- iii) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, except in exceptional circumstances;
- iv) The Applicant shall not leave the jurisdiction of Mumbai and Thane City, without the permission of the Court;
- v) An undertaking to the aforesaid clauses (ii) to (iv), shall be filed by the Applicant, in the trial Court, within two week's of his release;

vi) If there are 2 consecutive defaults in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)