

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1356 OF 2020

**VISHAL NIVRUTTI ARNE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Shermale K. N.
APP for Respondents/State : Mr. N.T. Bhagat
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 20.11.2020
(Vacation Court)**

PC.:-

Heard Shri Shermale learned counsel for the applicant and Shri Bhagat learned APP for the State.

2. The prosecution case is that on 20.09.2020 the informant reached the spot of the incident i.e. house of Jay Yogeshwar Dagu Gaikwad. The said premises has been taken on rent by the said Jay Yogeshwar Dagu Gaikwad. When the informant and the raiding party raided the spot, along with accused Jay Yogeshwar Dagu Gaikwad, applicant and one more person by name Deepak Tupsundar were found there. Ganja to the extent of 77 kg was seized from the said place. On these allegations FIR came to be lodged on 21.09.2020 against the applicant, Deepak Tupsundar and Jay Yogeshwar

Dagu Gaikwad.

3. Shri Shermale learned counsel for the applicant argued that the remand report dated 29.09.2020 mentions that the applicant sells Ganja in small quantity in the market. He argued that this shows that the applicant is not concerned with the Ganja which was found in the house of accused no.1 - Jay Yogeshwar Dagu Gaikwad. He further submitted that charge-sheet is filed. Therefore, further detention of the applicant is unwarranted.

4. Shri Bhagat learned APP submitted that Ganja to the extent of 77 kg was found in the house of the Jay Yogeshwar Dagu Gaikwad. The applicant and Deepak Tupsundar were also found there. This clearly shows that they were also in conscious possession of the Ganja. The Ganja seized is of commercial quantity. Therefore, applicant does not deserve to be released on bail.

5. From the investigation papers produced by the learned APP, it appears that the house where the Ganja was found was taken on rent by accused no.1-Jay Yogeshwar Dagu Gaikwad. Investigation papers further reveal that Deepak Tupsundar has a car. He uses that car for transportation of the narcotic substances. However, what is the role of the applicant in the alleged offence is not made clear except the fact that he was found in the

house where Ganja was stored. Remand report dated 29.09.2020 shows that the applicant sells Ganja in small quantity. Therefore, *prima facie*, it appears that the evidence against the applicant is of possessing small quantity which is punishable with rigorous imprisonment for one year or with fine of Rupees Ten Thousand. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed
- II) The applicant be released on bail in connection with Crime No.1807 of 2020 registered with Sangamner City Police Station, Taluka Sangamner, District Ahmednagar for the offences punishable under Section 8(C), 20(b), (2) (C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on furnishing PR bond of Rs.30,000/- (Rupees Thirty Thousand) with one solvent surety in the like amount and on condition that he shall not influence the witnesses in Special Case No.54 of 2020 pending before Additional Sessions Judge, Sangamner.
- III) These observations are made for the disposal of this application only. The trial Court shall not get influenced by these observations and can come to independent conclusion during trial.