

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

13 BAIL APPLICATION NO.1491 OF 2020

AMOL SUBHASH PAWAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Deshmukh Sachin S.
APP for Respondent : Mr. R V Dasalkar

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CORAM : V.K. JADHAV, J.
Dated : January 04, 2021

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PER COURT :-

1. The applicant is seeking regular bail in connection with crime No.254 of 2020 registered with Paranda police station, District Osmanabad for the offences punishable under Sections 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985. His application bearing Cri.B.A.No.222 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge & Special Judge (NDPS Act), Bhoom vide order dated 27.11.2020.

2. Learned counsel for the applicant submits that during investigation of the Crime No.149 of 2020

registered with police station Bhoom, raiding party has received the information about the involvement of two accused persons in the said crime no.149 of 2020 registered under section 20B of the NDPS Act namely Subhash Anna Pawar r/o Wangi and his real brother Ramdas Anna Pawar. Learned counsel submits that thus the raiding party has raided the house of said accused Subhash Pawar at Wangi. Present applicant is the son of co-accused Subhash Pawar. He is taking education. He was present in front of his house. Raiding party has disclosed him the information and further expressed him that they wanted to search his house and vehicles parked in front of his house. Learned counsel submits that the applicant has given his consent for the same and it was also recorded in the FIR. The applicant allegedly stood near Innova Car at the time of arrival of the raiding party. Thereafter, raiding party entered into the house and mother of the applicant (wife of the main accused Subhash) was present in the house. Raiding party has found certain quantity of Ganja in the motor vehicle so also in the

house, however, the applicant is having no concern with the same. There is no criminal history. The applicant has a good educational career. Copy of the marks memo are placed on record to indicate the same. The applicant is ready to co-operate the investigation, if any. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that investigation is in progress. Learned APP submits that commercial quantity of Ganja was found during the search by the raiding party and present applicant was caught red handed while taking the search. In terms of the provisions of Section 37 of the NDPS Act, the applicant is not entitled to be released on bail. Application may be rejected.

4. On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that police party has received the secret information about involvement of two accused persons in the commission of crime, punishable under the

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provisions of NDPS Act, namely Subhash Pawar- father of the present applicant and Ramdas Pawar (uncle of the applicant). It further appears that raiding party went to the house of said co-accused Subhash. The applicant was present in front of the house. Merely on the basis of the same, it appears that the arrest of the applicant was effected. There is no criminal history. Even, there are no allegations in the FIR against the applicant indicating his involvement in the crime in any form. On the other hand, when the raiding party has disclosed the secret information to the present applicant and his mother, both of them cooperated the raiding party to take search of the vehicles parked in front of the house so also inner part of the house. In view of the same, I hardly find any bar under section 37 of the NDPS Act to grant bail to the applicant. The applicant is a student by occupation and copies of mark memo are placed on record. In view of the same, I am inclined to release the applicant on bail. Hence the following order :-

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ORDER

- I. Application is hereby allowed.
- II. The applicant AMOL SUBHASH PAWAR in connection with crime No.254 of 2020 registered with Paranda police station, District Osmanabad for the offences punishable under Section 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 be released on bail on furnishing personal bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety of the like amount on following conditions :-
- a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall make himself available as and when required by the investigating officer in carrying out further investigation into the crime, if any.
- III. Application is disposed off.

(V.K. JADHAV, J.)

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