

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

922 BAIL APPLICATION NO. 1518 OF 2020

**DIPAK SURESH TUPSUNDAR
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicant : Mr. K.N. Shermale.
APP for Respondent : Mr. S.W. Mundhe.

**CORAM : MANGESH S. PATIL, J.
DATED : 27.01.2021**

PER COURT :

This is an application under Section 439 of the Code of Criminal Procedure seeking regular bail after filing of the charge sheet. The applicant is arrayed as accused No. 2 in the charge sheet.

2. In substance, it is alleged that on a tip a raid was effected on a house property taken on rent by the accused No. 1 and huge quantity of Ganja was found inside the house. It was seized by following necessary procedure. It is being alleged that the applicant and one Vishal Nivrutti Arne along with the accused No. 1 were found inside the house. Accordingly, the offence was registered and applicant is now being charged for the Crime No. 1807 of 2020 registered with Sangamner City Police Station, Taluka Sangamner, District Ahmednagar, for the offences punishable under Sections 8 (C), 20

(b), 2 (C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. After having heard both the sides, it transpires that except the fact that the car borrowed by the present applicant from his friend one Mr. Dhage which was found parked outside the house, the role attributable to the present applicant and the accused Arne is exactly the same.

4. Though it appears that during the course of Investigation, on the basis of an inadmissible statement of the applicant himself, the Investigating Officer had entertained a strong suspicion that the applicant was using that car for transportation of drug, there is no further evidence to corroborate this suspicion.

5. Besides, going by the summary in the charge sheet, the Investigating Officer apparently suspects and attributes the applicant for abetment punishable under Section 29 of the NDPS Act, for facilitating the main accused in selling Ganja. The allegations as against Vishal Nivrutti Arne are exactly the same.

6. This Court by the order dated 28.11.2020 in Bail Application No. 1356 of 2020 has granted bail to Vithal Nivrutti Arne. Going by the evidence annexed with the charge sheet, the role attributable to

the applicant being exactly the same, even the applicant deserves to be granted bail on the ground of parity.

7. Application is allowed.

8. 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 Sections 8 (C), 20 (b), 2 (C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on executing Personal Recognizance for an amount 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.

9. These observations are made for deciding of this application only. The trial Court shall not get influenced by these observations and may come to independent conclusion during trial.

(MANGESH S. PATIL, J.)