

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

BAIL APPLICATION NO.1069 OF 2022

Vishal s/o. Sunil Fajage	..Applicant
Vs.	
The State of Maharashtra	..Respondent

AND

BAIL APPLICATION NO.1079 OF 2022

Arjun s/o. Sheshrao Rathod	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.Sk. Ashraf Mannulal Patel, Advocate h/f. Mr.A.P.Avhad, Advocate for applicant in BA No.1069 of 2022

Mr.Sohail Subhedar, Advocate h/f. Mr.M.M.Rapanwad, Advocate for applicant in BA No.1079 of 2022

Mr.V.S.Badakh, APP for respondent-State, assisted by Mr.S.G.Chavan and Mr.M.J.Baig, Advocates

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 02, 2022**

ORDER :-

These applications have been filed under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.151 of 2022 registered with Phulambri Police Station, Dist.Aurangabad.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by one Rajendra Bansode, Asst. Police Inspector. As per the FIR dated 27.05.2022, accused no.1 – Dadasaheb possessed 4 kgs. of Ganja. Same was found in his grocery shop. During investigation, it was revealed that the relationship between the applicants on one hand and Dadarao on the other, were not good. It is the case of Dadasaheb that at the behest of these applicants, one unknown person had placed/planted Ganga in his shop. C.C.T.V. footage has been placed on record to indicate that a person having covered face, was seen in the shop. According to prosecution, said fellow placed/planted Ganga in the shop of Dadasaheb so as to take revenge. Identity of said person has not been disclosed.

4. It is informed that based on the statement of the co-accused – Sachin, involvement of present applicants has come to light. Needless to mention that the statement of the co-accused is inadmissible in evidence. True, based on the same, investigation may proceed. It is further informed that so far, no material could be collected from any of the applicants herein to indicate their involvement in the crime in question.

5. Both the applicants have been behind the bars since 09.06.2022. It was 4 kgs. Ganja, i.e. no commercial quantity. As such, rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, would not come in the way of the applicants for grant of bail.

6. In view of the above, the Court is inclined to grant the applicants bail. Hence, the following order:-

(i) The applications are allowed.

(ii) The applicants be released in connection with Crime No.151 of 2022 registered with Phulambri Police Station, Dist.Aurangabad, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

(iv) The applicants shall mark presence before the Sub-Divisional Police Officer, Sub-Division, Aurangabad, once in a week, i.e. on every Sunday between 11:00 a.m. and 12:00 noon, until further orders.

[R.G. AVACHAT, J.]

KBP