

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2405 OF 2022**

Ramhari @ Kakasaheb Dharma Paphal	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

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Dr. Yug Mohit Chaudhary, for Applicant.

Ms. S.S. Kaushik, A.P P, for Respondent-State.

Mr. Vilas B. Bharate, Police Naik, Barshi Taluka Police Station, Solapur Rural present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 5th September, 2022.

P.C.

1. Apprehending his arrest in C.R. No.73 of 2022 for the offences punishable under sections 15 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the applicant seeks his pre-arrest bail.

2. Heard Mr. Chaudhary, learned Counsel for the applicant and Ms. Kaushik, learned A.P.P, for respondent-State.

3. Mr. Chaudhary has invited my attention to the First Information Report dated 11th March, 2022 which indicates that alleged cultivation of Opium was in a field of *Phapalwadi* bearing Gat No.27, 28 and 29 of which 7/12 extract is in the name of Dharma Paphal. Admittedly, field in question where cultivation of Opium alleged to have been made is not in the name of the applicant. It is

also an undisputed fact that accused No.1 and 3 have already been released on default bail, whereas, accused No.2 – brother of the applicant has been released on bail on merits.

4. Charge-sheet has already been filed, therefore, there seems no point in contending that custodial interrogation of the applicant is required. Learned A.P.P is *ad idem* on the aforesaid aspect, however, she submits that the applicant being an influential person i.e Deputy *Sarpanch* of Village, will have some influence and, therefore, directions be issued to him to co-operate with the Investigating Officer.

5. Having considered the submissions at bar, liberty of the applicant needs to be protected in terms of the following order;

[a] In the event of arrest in connection with C.R. No.73 of 2022 registered with Barshi Taluka Police Station, District Solapur, for the offences punishable under sections 15 and 18 of the N.D.PS Act, 1985, the applicant be released on executing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Barshi.

[b] The applicant shall attend Barshi Police Station, District Solapur on 12th, 14th and 16th September, 2022 between 10.00 a.m and 1.00 p.m;

[c] The applicant shall not make any attempt to influence any of the prosecution witnesses.

6. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]