

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO. 856 OF 2022**

1. Mr. Haridas @ Mayur Kisan Pardeshi  
2. Chetan Kisan Pardeshi

...Applicants

V/s.

The State of Maharashtra

...Respondent

Mr. Quereshi Zaid Anwar, for the Applicants.  
Mr. V.B. Konde-Deshmukh, APP, for the Respondent/State.

**CORAM : N.R. BORKAR, J.**

**DATE : 01.12.2022.**

**P.C. :**

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicants came to be arrested in Crime No. 361 of 2021 registered at the Khopoli Police Station, for the offences punishable under Section 8(C), 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short NDPS).

3. There are in all eleven accused. On 18<sup>th</sup> November 2022, accused Nos.1 – Sachin Gangurde, accused No.2 – Ganesh Modave and accused No.3 – Nilesh Kedari were apprehended and about 1842 gram of Ganja was found in their possession. During their interrogation, it was found that they had purchased the Ganja which was recovered

from their possession, from the applicants, who are accused Nos.4 and 5. The present applicants were therefore arrested and pursuant to their disclosure statement about 2008 gms. of Ganja was recovered. It was further revealed that applicants had purchased the Ganja from accused No.6 and accused No.8. About 264 gm. of Ganja was recovered from the possession of accused No.6. It was further revealed that they had purchased it from accused Nos.7, 9, 10 and 11. The house of accused No.10 was raided and 33kg. 730gm. Ganja was recovered from her house.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent/State.

5. The learned counsel for the applicants submits that according to the prosecution 2008 gms. of Ganja allegedly came to be recovered from the applicants, which is not the commercial quantity. It is submitted that the applicants are in jail for more than one year. There are no criminal antecedents. It is submitted that considering these facts and circumstances, applicants may be released on bail.

6. On the other hand, the learned APP for the respondent/State submits that though 2008 gms. of Ganja was recovered at the instance of applicants, about 33kg. 730gm. Ganja was recovered from the accused No.10, which is commercial quantity. It is submitted that considering the facts and circumstances of the case, the

applicants may not be released on bail.

7. Admittedly, the applicants are not involved in any other crime of similar nature. Considering the fact that recovery at the instance of applicants is of less than commercial quantity and as the applicants are in jail for more than one year, I am inclined to release them on bail. In the result, following order is passed:

**ORDER**

- A) The Bail Application is allowed.
- B) The applicants be released on bail in C.R. No. 361 of 2021 registered at the Khopoli Police Station, for the offences punishable under Section 8(C), 20(B) of the NDPS, on executing PR. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) each with one or two sureties in the like amount.
- C) The applicants shall attend the concerned police station once in a month i.e. on the first working Saturday between 11:00 a.m. to 2:00 p.m. till the conclusion of trial.

**[N.R.BORKAR, J.]**