

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1582 OF 2020

Sunita Shravan Waidande ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Piyush Toshnival i/b Harshad Patil for the Applicant.

Mr. Yogesh Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 6 APRIL 2022

P.C.

1. By this application, the Applicant is seeking bail. The Applicant along with co-accused has been chargesheeted for the offence punishable under Section 8(c), 21(c), 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') in Crime No. 317 of 2018 of Police Station Swargate, District Pune.

2. The prosecution case is that on a personal search of co-accused Vishal Arjun Jadhav, 253.870 gms. of brown sugar (heroin) was recovered on 31.08.2018 at about 14:30 hrs at Pandit Javaharlal Nehru road, Gultekadi at Pune. During the course of the interrogation of the co-accused Vishal Jadhav, it was

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revealed that the contraband was procured on the say of the present Applicant and Sneha alias Laxmi Mukesh Chavan, Rahul alias Khandya Dattu Aarne and Saifan alias Sharif Ismail Shaikh. Accordingly on the basis of the FIR dated 31.08.2018, the aforesaid offence came to be registered. It appears that the police were on look out for the Applicant and other co-accused and the Applicant and the co-accused Sneha alias Laxmi Chavan came to be arrested from Gultekdi, Pune on 13.02.2019 i.e. after a period of six months from the arrest and recovery of the contraband from the co-accused Vikas Jadhav. It is further prosecution case that during the course of the investigation, the Applicant made a disclosure statement under Section 27 of the Evidence Act, on the basis of which, there was recovery of 22.550 gms of brown sugar (heroin) from the house of the Applicant on 16.02.2019.

3. In this case upon investigation, a chargeheet is filed.
4. I have heard learned counsel for the parties. Perused record.
5. It can prima facie be seen that the recovery of the commercial quantity of the contraband was allegedly made from accused Vishal Jadhav on 31.08.2018. It was on account of the disclosure made by the said accused that the Applicant came to be arrested on 13.02.2019. Three days thereafter, there is a recovery of 22.550 gms of brown sugar (heroin) at the instance of the Applicant under Section 27 of the Evidence Act. The small

quantity for heroine is 5 gms, while commercial quantity is 250 gms. Thus, the quantity recovered from Applicant is intermediate quantity. The offence under Section 21(b) of the NDPS Act, invites maximum sentence of 10 years with fine. The Applicant is in custody since more than 3 years and 2 months now. The investigation is complete and chargesheet is filed.

6. Learned APP had pointed out that there are criminal antecedents against the Applicant as Crime Nos. 1394 of 2004, 3030 of 2008, 3175 of 2013 and 53 of 2017 are shown to be registered against the Applicant for similar offences, under NDPS Act. Learned counsel for the Applicant has tendered the copy of the judgment by which Applicant has been acquitted in prosecution arising out of Crime No. 1394 of 2004 and 3175 of 2012.

7. Considering the overall circumstances, the following order is passed.

ORDER

i) The Applicant **Sunita Shravan Waidande** be released on bail in Crime No. 317 of 2018 of Police Station Swargate, District Pune on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the concerned Police Station once in every month on the first Monday.

iii) The Applicant shall undertake to remain present before the Special Court during the course of the trial unless exempted.

iv) The Applicant shall not indulge into any similar offences while on bail.

v) The Applicant shall not tamper with the prosecution evidence/witnesses.

vi) In the event of breach of any of the conditions, the bail is liable to be cancelled.

vii) Bail bonds to be furnished before the learned Special Court.

viii) It is made clear that the observations herein are essentially of a prima facie nature and the learned Special Court shall not be influenced by the same at the trial.

ix) Criminal bail application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)