

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4462 OF 2021

Chandrakant Suresh Kamble

...Applicant

V/s.

The State of Maharashtra

...Respondent

Ms. Rui Danawala i/b Mr. Umesh Mankapure, Advocate, for the Applicant.

Mr. A.P. Kapadnis, APP, for the State.

CORAM : N.R. BORKAR, J.
DATE : 22.11.2022.

PC. :

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

2. The applicant came to be arrested in Crime No. 716 of 2021 registered at Sangola Police Station, District Solapur, for the offence punishable under Section 20(b), 25, 29, 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short NDPS Act) and Section 420 read with 34 of the Indian Penal Code (in short I.P.C.).

3. It is the case of prosecution that on 07/06/2021, one Jeep bearing registration No. MH12 JF 1444 was intercepted for inspection and Ganja about 318.095 Kg. was found in said vehicle. During the course of investigation, it was found that even the number plate of the said vehicle was fake.

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

5. The learned counsel for the applicant submits that the present applicant has nothing to do with the alleged crime. It is submitted that the applicant is roped into the alleged crime just because the vehicle in question was owned by him. It is submitted that according to the prosecution the seized Ganja was owned by co-accused Somnath Kamble. It is submitted that there are no criminal antecedents. It is therefore submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for the respondent/State submits that during the course of investigation, the house of the present applicant was searched and the original number plate was found in his house. It is submitted that involvement of the present applicant in crime in question, therefore, cannot be ruled out. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the charge-sheet. Perusal of the charge-sheet shows that the seized Ganja was given to the driver of the car by co-accused Somnath Kamble. *Prima face*, it is not the case of the prosecution that the present applicant was also owner of the seized Ganja.

8. The applicant is in jail for more than one and half years. Considering the facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

- A) The Bail Application is allowed.
- B) The applicant be released on bail in Crime No. 716 of 2021 registered at Sangola Police Station, District Solapur, for the offence punishable under Section 20(b), 25, 29, 31 of the NDPS Act and Section 420 read with 34 of the I.P.C., on furnishing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall attend the concerned Police Station once in a month i.e. on the first working Saturday between 11:00 a.m. and 2:00 p.m. till the conclusion of trial.

[N.R.BORKAR, J.]