

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

BAIL APPLICATION NO. 1162 OF 2023

1. Villayutham Nagu
2. Venkatesan Maruthamuthu Bala Subramaniyan ..APPLICANTS

VERSUS

The Intelligence Officer,
Directorate of Revenue Intelligence, Bangalore ..RESPONDENT

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Mr. H.P. Randhir, Advocate a/w Mr. Iliyas Deshmukh, Advocate for applicants
Mr. S.S. Deve, Standing Counsel for respondent - Union
Mr. S.N. Morampalle, A.P.P. for respondent

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**CORAM : R.G. AVACHAT, J.
DATED : 17th OCTOBER, 2023**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicants have been arrested in connection with case registered by the respondent vide No. DRI/BZU/S-IV/ENQ-02/INT-NIL / 2018 dated 06th July, 2018 for the offences punishable under Sections 8(c), 21(c), 22(c), 23(c), 28 and 29 read with Section 38 of the Narcotoc Drugs and Psychotropic Substance Act, 1985 ('NDPS Act') and Section 135A of Customs Act, 1962.

2. Heard. Perused First Information Report ("F.I.R.") and related police papers.

3. This Court, vide order dated 13th October, 2022 had rejected the application of bail of the present applicants, considering it being a serious offence under the NDPS Act. Similarly placed co-accused had already been granted bail by another Bench of this Court vide order dated 25th January, 2022, before the application of the present applicants was turned down by this Court. The Union of India challenged the order of granting bail to the similarly placed co-accused by preferring SLP before the Apex Court. Said SLP has been dismissed vide order dated 26th September, 2022. As such, present applicants become entitled for grant of bail on the ground of parity. Learned standing counsel for Union of India does not dispute this position.

4. In view of the above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The application is allowed.

(II) The applicants be released, in connection with case registered by the respondent vide No. DRI/BZU/S-IV/ENQ-02/INT-NIL/2018 dated 06th July, 2018 for the offences punishable under Section 8(c) punishable with 21(c), 22(c), 23(c), 28 and 29 read with NDPS (Regulation of Controlled Substance) Act and Section 135-A of Customs Act, on executing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) each with one surety in the like amount.

(III) Rest of the conditions be similar to that of order dated 25th January, 2022 passed by this Court in Bail Application No. 404 of 2021 with Bail Application No. 867 of 2021 granting bail to the similarly placed co-accused.

(R.G. AVACHAT, J.)

SSD