

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

**903 CRIMINAL APPLICATION NO.3231 OF 2023
IN APEAL/794/2023 WITH APEAL/794/2023**

**ARUN SAKHARAM SURASE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. P. P. More
APP for Respondent-State: Mr. P. M. Kulkarni

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 31/08/2023.**

P. C. :

1. Issue notice to respondents. Learned APP waives service for respondent -State.
2. Heard rival submissions.
3. The applicant original accused are seeking suspension of their substantive sentence of imprisonment of two years each under Section 33-I (1)(b) of Drugs and Cosmetics Act, 1940. They are also sentence to suffer RI for three months under Section 274 & 275 r.w. 34 of IPC. Fine amount is also imposed which they have already deposited indicated by copies of receipts to that effect on record. Moreover, the learned trial court vide order dated 18/08/2023 has already released them on bail. As such, following order is passed.

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment of RI for 2 years and RI for three months imposed upon the applicants by the learned trial court in Special Case Nos. 178 of 2020 and 265 of 2022 under judgment dated 18/08/2023 is hereby suspended during the pendency of this appeal.
- (ii) Both the applicants be released on bail on execution of their P.R. & S.B. for Rs. 15,000/- each.
- (ii) Bail in lower Court.
- (iii) Application is accordingly disposed.

(SANDIPKUMAR C. MORE, J.)