

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

BAIL APPLICATION NO.2209 OF 2022

**YUVRAJ @ KALIYA RAKHMAJI BHADARGE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Shaikh Wajeed Ahmed
APP for Respondent/State : Mr. S.P. Sonpawale

...
CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 13, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. In FIR, it has been mentioned that the police knocked the door of room no.12 in Shimla Lodge. That time, one person namely Vikas Sanjay Dabhade came out and told that the present applicant was also with him. Then the police took search of the room and found contraband in the packets in bags. The police have recorded the statement of the manager of the lodge on 14.02.2022. His statement reveals that only one person went to book the room. He booked the room under fake name. After leaving the luggage in the room, the said person namely Vikas left the room and went away. Thereafter, police brought two persons apprehended. Those were accused Vikas and the present applicant. This material contradiction as regards the contraband in conscious possession of the present

applicant, his presence in the room as alleged appears doubtful. Apparently, he has not been arrested from the room where the contraband was kept. In these circumstances, it is hard to digest the allegation that the applicant was also present in the room and was in conscious possession of Ganja.

3. In these peculiar facts and circumstances of the case, the application deserves to be allowed. Hence, the following order :

ORDER

(i) Bail Application is allowed.

(ii) The applicant, Yuvraj @ Kaliya Rakhmaji Bhadarge, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.35 of 2021, registered with Kotwali Police Station, District Parbhani for the offence punishable under Section 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on the conditions that ;

- (a) The applicant shall not involve in similar crime.
- (b) The applicant shall not tamper with the prosecution witnesses.
- (c) The applicant shall attend the trial on each and effective date of hearing.

(S.G. MEHARE, J.)