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BA 2182.23 SR. 951.odt

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

CRIMINAL BAIL APPLICATION NO. 2182 OF 2023

**SATYAM SUDHAKAR KAMBLE
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. S.J. Salunke, Advocate for the applicant,
Mrs. P.J. Bharad, APP for respondent.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 12th DECEMBER, 2023

ORDER :-

1. The applicant seeks bail in connection with Crime No. 19 of 2023 registered with Police Station, Deoni for the offences punishable under Sections 20(A), 20(B) and 2(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The investigation was set in motion on the basis of information given by Vinayak Kamble, who is working as police constable with Deoni police Station. He alleges that on 18th January 2023, he received secret information that the accused along with his mother engaged into sale of cannabis (Ganja). Accordingly, a trap was arranged. During search of the premises contraband to the extent of 2 kgs, 100 grams came to be seized. The accused fled away from the spot. Accordingly, offence punishable under section 20(A), 20(B), 2(b) of the NDPS Act came to be registered against the accused persons. It appears that during the course of investigation the applicant came to be arrested on 9th August 2023. Since then is behind bars. The investigation progressed and charge-sheets came to be filed. The prayer of the applicant for grant of bail has been rejected by the Special Judge vide order dated 27.11.2023. Hence, this application.
3. Mr Salunke, learned advocate for the applicant submits that the quantity of ganja leaves seized is 2 kgs 100 grams which is less than the commercial quantity. The offences alleged are punishable with imprisonment

up to 10 years. The investigation is complete and charge sheet is filed. Hence, further detention of the applicant is not necessary.

4. Learned APP strongly opposes the prayer. She would submit that the applicant was dealing with sale of contraband which was seized during the raid conducted by the police. Prima facie, there is sufficient material to bring home the guilt of the applicant. Further, the bar under section 37 of the NDPS Act may apply.

5. Having considered the submissions advanced as far as the contents of FIR, 2 kgs and 100 grams of ganja has been seized from the house of the applicant. Some cash amount is also made part of the seizure panchnama. The offences alleged are punishable under Section 20(B) of the NDPS Act which relates to quantity lesser than commercial quantity but greater than small quantity, and made punishable with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to one lakh rupees.

6. Apparently the investigation in the matter is complete. The charge-sheet filed. Although the learned APP points out that the applicant could be arrested after 7 months. Mr. Salunke points out that the applicant was pursuing his remedy of pre-arrest bail. During pendency of such proceeding, he came to be arrested. Taking overall view of the matter, further detention of the applicant would not be necessary. Learned APP confirms that there are no criminal antecedents. In that view of the matter, a case is made out for grant of bail. Hence, the following order :-

: O R D E R :

- (I) The application is allowed.
- (ii) Applicant – Satyam Sudhakar Kamble, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in connection with Crime No. 19 of 2023 registered with Police Station, Deoni for the offences punishable under Sections 20(A), 20(B) and 2(b) of the Narcotic Drugs and Psychotropic Substances Act, on the following conditions :-

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- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall not leave the state of Maharashtra without submitting itinerary with the police station.
- (c) He shall attend each and every effective date before the trial Court.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-