



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.40/2023**

PRANAY VIJAY MAHALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Aashish Satpute for the applicant.

Mr. N. B. Patil, APP for the State.

PH/6436, Sandeep Vilas Bhangare, ANC, Crime Branch,  
Thane.

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**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 25, 2023.**

**P.C. :**

**1.** Heard learned counsel for the applicant and learned  
APP for the State.

**2.** This is an application for bail in respect of the offence  
punishable under Sections 8(c), 22(b), 22(c), 29 of the  
Narcotic Drugs and Psychotropic Substances Act, 1985  
(hereafter 'NDPS' for short) registered on 10/9/2021 vide  
C.R. No.201/2021 with Chitalsar Police Station, Thane.

**3.** The date of the incident is 9/9/2021. The raiding party  
found the applicant moving in a suspicious manner. The  
applicant was searched when an intermediate quantity of 17

gm Mephedrone (MD) was recovered during his personal search. The applicant was arrested on 10/9/2021 and is now in custody for more than two years. The charge has not yet been framed. The trial will take long time to conclude.

**4.** Learned APP while opposing the application contended that there are as many as five antecedents reported against the applicant. Countering this submission, learned counsel for the applicant submitted that in respect of C.R.No.96/2009, the applicant has been acquitted. There is one C.R. of the year 2019 vide C.R.No. 215/2019 under the NDPS Act where the provisions of Sections 8 (c), 27 are invoked when the applicant was found in possession of 3 gms of MD. The applicant has been released on bail.

**5.** Learned APP submitted that the propensity of the applicant to commit such an offence in future cannot be ruled out. It is further submitted by learned APP that during the personal search of the applicant, he was found with a weighing machine which clearly demonstrates that the applicant was indulging in the sale of the contraband. Learned counsel for the applicant submitted that the applicant was working as a Ward Boy in Thane Municipal

Corporation and because of the family dispute he was disturbed.

**6.** The applicant is in custody for more than two years with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. Considering that the applicant was found in possession of intermediate quantity, the rigors of Section 37 of the NDPS Act do not apply. Having regard to the facts of the present case, the criminal antecedents are not sufficient to deny the applicant the facility of bail. In my opinion, the applicant does not appear to be a flight risk. Taking an overall view of the matter, in my opinion, the applicant can be released on bail by imposing stringent conditions. Hence, the following order :-

### **ORDER**

- (a) The application is allowed.
- (b) The applicant-Pranay Vijay Mahale in connection with C.R. No. Chitalsar Police Station, Thane, shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or two local sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Chitalsar police station, Thane, once in a week i.e. on Sunday of every months between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall not leave the jurisdiction of the Thane district without prior permission of the trial Court or the Investigating Officer till the trial concludes.

(g) The applicant shall attend the trial regularly.

**7.** The application is disposed of.

**(M. S. KARNIK, J.)**