



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

BAIL APPLICATION NO. 55 OF 2023

SAGAR KHANDU HATAGALE

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Mr. Mithilesh Mishra i/b Ms. S.N. Khan, for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 05, 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), 20(b)(ii)(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('the NDPS Act' for short) registered on 09/01/2022 vide C.R. No.16 of 2022 with Bharti Vidyapeeth Police Station, Pune city. The applicant is arrested on 09/01/2022.
- 3.** The application for bail is opposed by learned APP.
- 4.** The applicant is the accused no.2. From the applicant-accused

no.2 contraband 'Ganja' weighing 11.245 kg was recovered. From accused no.1 contraband 'Ganja' weighing 10.319 kg was recovered. The applicant and accused were travelling together. By an order dated 15/09/2023 passed in Bail Application No. 3636 of 2022, this Court has enlarged the co-accused no.1- Sagar Nana Borkar on bail. Paragraph 7 of the said order reads thus :

“7. Admittedly, police have recovered contraband of totalling 10.319 kg from the possession of the Applicant and contraband totalling 11.24 kg from the possession of the co-accused. It is alleged that, both applicant and co-accused were travelling together and contraband recovered from their possession was commercial quantity. In my view, though applicant and co-accused found together but, they were carrying the contraband individually. The recovery of the contraband from the possession of the Applicant and co-accused should be considered separately and as observed by this Court in case of Smt. Rashida Iqbal Khan V/s. State of Maharashtra, Criminal Application No. 2177 of 2006, has taken a same view. Applicant is behind bar more than 1 year and 9 months. Investigation is completed and charge-sheet has been filed.”

5. Even the applicant is covered by the aforesaid observations. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail. The applicant is in custody for more than 20 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Sagar Khandu Hatagale in connection with C.R. No. 16 of 2022 registered with Bharti Vidyapeeth police station, Pune City shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the investigating officer of Bharti Vidyapity police station, Pune City once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

6. The application is disposed of.

(M. S. KARNIK, J.)