

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

BAIL APPLICATION NO. 294 OF 2022

Vivek Rajaram Kubal

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Vikas Chavan a/w Adv. Atul Sarpande for the Applicant.

Ms. A. A. Takalkar, APP for the State.

P.S. Bodade, PSI, Wada Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 19, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant- Vivek Rajaram Kubal, in respect of the C.R. No.II-7/2016, registered with Wada Police Station, for the offence punishable under sections 8(c), 22, 27A and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.
- 3.** The applicant is in custody almost for the period of 6 years and 8 months. Status as regard the trial is reflected in the order dated 05/01/2022 passed by this Court in Bail

Application No. 430 of 2021 which was filed by co-accused no. 4 - Sachin Atmaram Vartak. This Court had observed that though the trial was expedited the trial did not proceed. On the basis of long incarceration the co-accused was released on bail. So far as the present applicant is concerned, it is alleged that the farmhouse from where 550 Kg and 148 Gms of psychotropic substance was found belonged to him.

4. My attention is invited to the documents at page 306, 301 and 447 which indicate that the farmhouse belongs to some other person. The applicant was arrested on 20/05/2016 on the basis of the statement made by the caretaker that the applicant used to visit the farmhouse. It is the statement of the caretaker that the farmhouse belongs to the company of the applicant.

5. I had asked about the status of the trial as of today. It is submitted by the learned APP that even the charges have not been framed. As many as 86 witnesses are to be examined by the prosecution. There are no criminal antecedents reported against the applicant. The 7/12 extracts shows that the land of the farmhouse stands in the

name of Sachin Atmaram Vertak, the co-accused who has already been granted bail. Be that as it may, for the reasons mentioned in the order 05/01/2022 passed by this Court in Bail Application No. 430 of 202 in respect of the co-accused, the present applicant deserves to be released on bail on the ground of long incarceration. Hence, the following order.

ORDER

- (a)** The application is allowed.
- (b)** The applicant - Vivek Rajaram Kubal, in respect of the C.R. No.II-7/2016, registered with Wada Police Station, to be released on bail, on his executing P.R. bond in the sum of Rs.1,00,000/- with one or more sureties in the like amount;
- (c)** The applicant shall report to the Wada Police Station once in a month i.e. on first Saturday, between 11.00 am and 01.00 pm till conclusion of trial;
- (d)** The applicant shall not leave India without prior permission of Special Court;
- (e)** The applicant shall deposit his passport before Special Court;
- (f)** The applicant shall not tamper with evidence;

(g) The applicant shall furnish details of his residence to the Trial Court as well as Wada Police Station.

6. The application is disposed of.

(M. S. KARNIK, J.)