



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

BAIL APPLICATION NO.300 OF 2023

AKASH SUNIL BHALERAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Bhaskar J. Sarwade a/w Adv. Rajkumar M. Nadar i/b.
Adv. Roseline R. Nadar for the applicant.
Ms. Veera Shinde, APP for the State.
Mr. Prashant Bomadanali, HC, Narcotics Cell, Crime branch,
Pune.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 24, 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 Sections 8(c), 20(b)(ii)(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter "NDPS Act", for short) registered vide C.R. No.317 of 2021 with Hadapsar Police Station.
3. My attention is invited to the order dated 28.03.2023 passed by this Court in the case of Aditya Dattatraya

Dhande in Bail Application No.2636 of 2022. The order reads thus :-

"1. This is an Application under Section 439 of Criminal Procedure Code, 1973 for bail.

2. The applicant came to be arrested in Crime No.317 of 2021 registered with Hadapsar Police Station, Pune, for the offences punishable under Sections 8(c), 20(b) (i)(c), 29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. I have heard learned counsel for the applicant and learned APP for the respondent - State.

4. On 24th April, 2021, the Car bearing registration No.MH 21 / BF / 6546 was intercepted and 68.50 kgs of the Ganja was found in the said car.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that he was hired as co-driver on the said car. It is submitted that the applicant is in jail for more than two years and there are no other criminal antecedents.

6. On the other hand, the learned APP submits that the applicant is involved in serious crime. It is further submitted that the applicant was one of the occupants of the car in which Ganja was found.

7. The applicant is in jail for about two years and the trial has not yet commenced. There are no other criminal antecedents. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail."

4. It is alleged by the prosecution that the applicant was driving the car in which the contraband was found. The role of the applicant is similar to that of co-accused No.3-Aditya Dattatraya Dhande who has been released on bail. Learned APP submitted that as the applicant was traveling in the

same car it can be safely inferred that the applicant has knowledge about the contraband that was in the possession of the main accused. The applicant is incarcerated for more than 2 years and 4 months without trial.

5. However, I find that the case of the present applicant is on parity with that of the co-accused No.3-Aditya Dattatraya Dhande who is released on bail. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in Crime No.317 of 2021 registered with Hadapsar Police Station, Pune, for the offences punishable under Sections 8(c), 20(b)(ii)(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), on executing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the Hadapsar police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

6. The application is disposed of.

(M. S. KARNIK, J.)