



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

BAIL APPLICATION NO. 358 OF 2023

Anil Ramesh Rathod

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Vikrant V. Phatate for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th OCTOBER, 2023.

P. C. :-

1. This is an application under Section 439 of the Cr.PC. filed by the aforesaid Applicant, who is facing trial in Special (N.D.P.S.) Case No.149 of 2022 pending on the file of learned Special Judge, Solapur, arising from Crime No.661 of 2021 registered with Vijapur Naka Police Station, District-Solapur, for the offences punishable under Sections 8(c), 20(c) and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

2. Heard Mr. Vikrant Phatate, learned counsel for the Applicant and Mr. A.R. Kapadnis, learned APP for the Respondent -

State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The case of the prosecution is that on 19/12/2021 the complainant-Assistant Police Inspector attached to Vijapur Naka Police Station and other police officers were on patrolling duty and while they were travelling towards Saiful from ITI Institute they saw two vehicles viz. Tavera and Innova proceeded at a high speed. They found it to be suspicious and tried to stop the vehicles. It is alleged that the vehicles did not stop and they chased the vehicles. The Inova car was intercepted. It was found that the said vehicle was driven by the co-accused-Sukhdev Yashwant Rathod and that he was carrying 311 packets of Ganja containing 623.650 kg of Ganja. He was taken into custody. It is alleged that said Sukhdev Rathod disclosed the name of the Applicant and based on the said statement of the co-accused, the present Applicant came to be arrested on 22/12/2021.

4. It is not in dispute that no contraband was recovered from the Applicant. Apart from the statement of the co-accused Sukhdev and CDR records, there is no prima facie material to show the involvement of the Applicant in commission of the said crime. The

Applicant is in custody since 22/12/2021. It is stated that the charge is not yet framed. Considering the large pendency, there is no possibility of the trial being concluded within reasonable period.

5. Considering the above facts and circumstances, the Application is allowed on the following terms and conditions:-

- (i) The Applicant, who is arrested in Crime No.661 of 2021 registered with Vijapur Naka Police Station, District-Solapur, is ordered to be released on bail on furnishing PR bonds in the sum of Rs.50,000/- with one or two solvent sureties to the like amount;
- (ii) The Applicant to report Vijapur Naka Police Station, once in every three months on the first Monday of the month between 10.00 a.m. to 2.00 p.m.;
- (iii) The Applicant shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time;

(iv) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)