

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1760 OF 2022

Sanil Bhau Kedari ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Tapan Thatte alongwith Mr. Arvind Aswani for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 7 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 313 of 2021 registered at Kamshet Police Station, Pune (Rural) for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, pursuant to secret information, the applicant and other co-accused were apprehended and were found in possession of 25kg of Ganja.

5. There appears to be some discrepancy in relation to date of registration of crime. The learned APP submits that it is an inadvertent error.

6. Be that as it may, according to the prosecution after receipt of information written intimation of it was given to the police station and entry to that effect was taken in station diary. According to the prosecution, copy of written intimation/information alongwith written report was sent to the Sub Divisional Officer, Lonavala Sub Division. The learned Counsel for the applicant submits that the said written report is not a part of the charge-sheet. The learned APP has not disputed the said fact. Thus, prima-facie there appears to be a non-compliance of Section 42 of the NDPS Act. Considering this fact and as there are no other criminal antecedents, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Sanil Bhau Kedari be released on bail in Crime No. 313 of 2021 registered at Kamshet Police Station, Pune (Rural) for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing 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 concerned 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.

(N.R. BORKAR, J.)