

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

BAIL APPLICATION NO. 1806 OF 2023

1. Somesh Rajendra Jaiswal
2. Dipesh Kishor Jaiswal ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr.Tanveer Patel a/w Mr.Asit Chaware a/w Mr.Navman Mutawali
a/w Mr.Sanath Adhav – Advocate for Applicants.
Mr.H.J.Dedhia – APP for Respondent-State.
Mr.Vikas Suryawanshi – API – Crime Branch – Unit No.1 – Thane.

CORAM : S. M. MODAK, J.

DATED : 26TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicants and learned APP.
2. The Applicant No.1 – Somesh was found in possession of ganja weighing 10.354 Kgs. Whereas, Applicant No.2 – Dipesh was found in possession of ganja weighing 5.324 Kgs. An information was received from the secret informant through Crime Branch – Unit No.1 – Thane that one Somesh and Dipesh were about to come on a road going from Amit Garden Hotel – Kalwa, Thane on 27th

December, 2022 at 17 hours for selling of ganja. This information is recorded in station diary (Page No.89) and permission was sought *vide* letter dated 27th December, 2022.

3. When raiding party members went to the spot, they found these two Applicants are possessing ganja for quantity mentioned above. An offence came to be registered at Kalwa Police Station under Sections 8(c), 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [“NDPS Act”]. During their custodial interrogation, it was revealed that Accused Nos.3 and 4 were the suppliers. They were also arrested. Finally, charge-sheet is filed against all of them for the offences punishable under Sections 8(c), 20(b) of NDPS Act. Accused Nos.3 and 4 were granted bail by the Sessions Court – Thane. Whereas, these Applicants were denied bail.

4. The quantity is intermediate quantity. The Hon’ble Supreme Court has granted bail on a similar facts in case of ***Birbal Prasad @ Birbal Prasad Sah @ Birbal Prasad Sao @ Birbal Sah V/s. The State of Bihar***¹. There are no criminal antecedents. The Applicants are resident of Madhya Pradesh. Let they furnish surety from Thane

¹ 2018 ALL MR (Cri) 2293 (S.C.)

Taluka. Hence, order :-

O R D E R

- (i) Application is allowed.
 - (ii) Applicants (i) Somesh Rajendra Jaiswal and (ii) Dipesh Kishor Jaiswal be released on bail in connection with C.R. No. 674 of 2022 registered with Kalwa Police Station – District : Thane City for the offences punishable under Sections 8(c), 20(b) of NDPS Act, on furnishing personal bond and surety bond of Rs.25,000/- each.
 - (iii) Applicants are directed to furnish surety having local residence of Thane Taluka.
 - (iv) They are directed to give attendance to Crime Branch – Unit No.1 – Thane on first Monday of every month for six months.
 - (v) Applicants not to threaten the Prosecution witnesses or to allure them in any manner.
 - (vi) In case of breach of any of the conditions, the bail of the Applicants is liable to be cancelled after notice.
5. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
6. Application is disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]