



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

BAIL APPLICATION NO.1410/2023

MAHESH BHAGWAT VASEKAR

..APPLICANT

VS

STATE OF MAHARASHTRA

..RESPONDENT

Adv. Shekhar S. Bhandary a/w Adv. Sagar Talekar for the
Applicant.

Mr. P. H. Gaikwad, APP for the State.

Sr. P.I. Sanjay R. Shinde, Anti-Narcotics Cell, Thane City.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 25, 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 8(c), 20(b)(ii) read with Section 29 the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter "NDPS Act", for short) registered vide C.R. No.233 of 2022 dated 16/11/2022 with Bazarpeth Police Station, Kalyan.
- 3.** The applicant came to be arrested on 16/11/2022.

There are in all two accused and the applicant is accused No.1. There are accusations against the applicant that on 15/11/2022 at about 16.10 Hrs on the road coming towards Khadakpada, the applicant and the co-accused Ravi Vishe were present there. They were found in possession of a narcotic drug namely 'Charas' in their custody for the purpose of selling it illegally. The 'Charas' found in the possession of the applicant is 921 GMs which is an intermediate quantity.

4. Learned APP while opposing the application states that having regard to the fact that the present applicant was employed in the police department as an Assistant Police Inspector, the accusations are serious and this could not be a fit case for grant of bail. On record a C.A. report shows that the drug found in possession is 'Charas'. Learned APP also invited my attention to a statement recorded under Section 164 of the Code of Criminal Procedure, 1973, of one of the witnesses in which the witness on record stating that the applicant was indulging in such activities.

5. The applicant was arrested and has been in custody

since 16/11/2022 i.e. for more than eight months. There are no criminal antecedents recorded against the applicant. The charge sheet is filed and the investigation is complete. The bar of Section 37 of the NDPS Act does not apply in the present case. The applicant does not appear to be a flight risk. The applicant is already under suspension. The trial is not likely to conclude at any time soon in the near future. The applicant undoubtedly will face the consequences of the accusations if he is ultimately convicted on the basis of the evidence before the trial Court. In this view of the matter, the applicant can be enlarged on bail by imposing certain conditions. Hence, the following order:

ORDER

- (a) The applicant – Mahesh Bhagwat Vasekar in connection with C.R. No. 233 of 2022 registered with Bazarpeth police station shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more sureties in the like amount.
- (b) The applicant shall attend the Investigating Officer of the Bazarpeth police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with the prosecution witnesses.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(e) The applicant shall not leave Thane District without prior permission of the trial Court.

(f) The prosecution is at liberty to apply for cancellation of bail if any of the conditions are breached.

6. The application is disposed of.

(M. S. KARNIK, J.)